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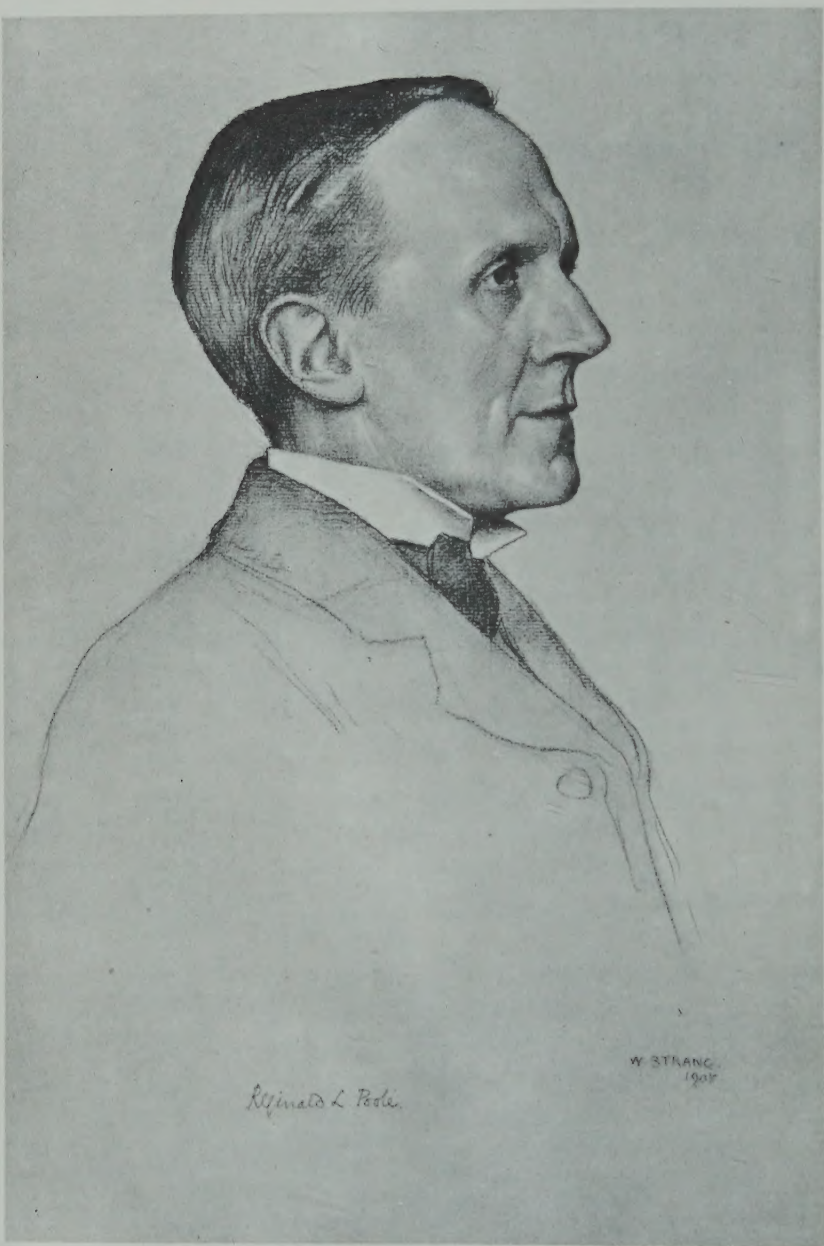
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UNIVERSITY OF WINNIPEG
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ESSAYS IN HISTORY

PRESENTED TO

REGINALD LANE POOLE



Reginald L. Poole.

W. STRANG
1907

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1927a

ESSAYS IN HISTORY

PRESENTED TO

REGINALD LANE POOLE

EDITED BY

H. W. C. DAVIS



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These essays are presented to
REGINALD LANE POOLE
by colleagues, pupils, and other
friends, on the occasion of his seven-
tieth birthday, in recognition of the
services which he has rendered to his-
torical science as an editor, a teacher,
and a writer, and in gratitude for
his unfailing willingness to put
his learning at the disposal
of his fellow-students

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Map illustrating Gloucestershire boundaries	<i>„ p. 86</i>
Original Bonds for Debt : 12th century	<i>between pp. 192-3</i>

THE *MAGNA CHIRURGIA* OF
GUY DE CHAULIAC

WHEN examining the binding of MS. Hunt. 175 in the Bodleian Library, we discovered that the boards were composed of fragments of paper manuscript, very much cut and defaced by binder's glue. These were taken out and cleaned as far as possible, and are now referenced as MS. Hunt. 175*. Among them were parts of five leaves which bore writing in Hebrew characters, but not in the Hebrew language. This was not surprising, for the Jews have a peculiar fancy for writing other languages (especially German, Spanish, Italian, Turkish, Arabic, and Greek) in the Hebrew alphabet, which is not particularly well fitted to express even Hebrew sounds, and is wholly unsuited to other languages. The present fragments proved to be in Portuguese, and were evidently from a medical work, which turned out to be the *Magna Chirurgia* of Guy de Chauliac.¹ That celebrated surgeon wrote his great work at Montpellier in 1363. It at once gained a classical reputation, and was used as a text-book down to the eighteenth century. It was consequently translated from the original Latin into various languages, French, Catalan, Spanish, Italian, Dutch, English, and Hebrew, but hitherto there was apparently no trace of a Portuguese version.

Judging from the style of the writing, the fragments cannot be later than 1450, so that the version was made within a century after the original composition. It was

¹ See E. Nicaise, *La Grande Chirurgie de Guy de Chauliac . . .*, Paris, 1890.

made for a Jew, since no one else would want his Portuguese written in Hebrew character, and, considering the date, it is probable that it was produced in Portugal itself. It must have been a handsome book, well written by a skilled scribe, with broad margins, so that the owner was a man of means, and perhaps this was the only copy, made specially for him. At any rate no other traces of it exist, and it was never printed.

Its history from 1450 to the present day may be easily imagined. The troubles of the Jews in Portugal reached their climax in 1497, when many of them emigrated to Turkey, as the Jews of Spain had already done. Among them no doubt was the owner of this translation of Guy de Chauliac, who took his precious volume with him, intending to practise as a physician during his exile. In the course of the next few years the book became worn out, and at last ended its days as waste paper to pack the binding of another medical work. For MS. Hunt. 175, in which its fragments were found, is an Arabic medical work of about 1500, in contemporary oriental binding. It was bought by Robert Huntington while he was chaplain to the Turkey merchants at their factory in Aleppo (1671-81), for Thomas Hyde, Bodley's Librarian (1665-1701), who has written a note at the beginning. It came to the Library probably before the bulk of Huntington's collection, which was bought in 1693, and there it has remained ever since.

The facsimile shows a page containing the end of the list of contents of *Tractatus ii*, followed by the beginning of the text of that tractate. Transcriptions in Hebrew and European characters are added to show the method of transliteration.

A. COWLEY.

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- 1 קפיטו מירסיריו די אפושטימש דו קולו אי דורשו. קומו אישקיניציאש
אי בוציאוי. אי אויטראש
- 2 אינו שיטימו. קפיטו קוארטו די אפושטימש דוש אונברוש אי דוש
בראסוש. אי
- 3 אופורישמא. אי פאנאריוו. אי קיראגרא. קפיטו קינטו די
אפושטימש דו פייטו.
- 4 קומו פור פישטילינציאה. אי דאש קי ויאין אינוש אימוקטוריאוש. אי
אינוש טיטש. אי קואלייא
- 5 מינטו דו לייט. אי אויטראש אפושטימש קי ויאין אינו פייטו.
- 6 קפיטו שייטטו די אפושטימש דו וינטרי. אי דוריא דו אישטמאגו. אי
דו פֿיגאדו. אי דו באסו.
- 7 אי אידרופישיאה. קפיטו שיטימו די אפושטימש דש אנקש. קא.
אירנאה. אי אוש
- 8 קונפאנייאוש. אי אה בולשא. קי די אפושטימש דא וירגא. אי דו
פונדו דאש אימוראידש.
- 9 שי דירא אינו קוארטו דש אולסירש. קפיטו אויטאבו די אפושטימש
דאש קלשאש
- 10 אי פירנאש אי פיאיש. קומו די אלפינציאה. וואריויש. אי וינא מידין
קי די פוראגרא. שי דירא
- 11 אינו שייטטו. אקי שי אקאבן אש רובריקש דו שיגונדו טראוטאדו.

(Tr. 2, Doc. I, Cap. I.)

- 12 קפיטו פרימיירו. שירמון אוניברשאל די אפושטימש שאידאש
- 13 אי בושטילאש מאאש. קומיצאנדו דו קונייצמינטו.
- 14 אפושטימא. צירקא דש קוישש אישינסיאאליש. איאי דיפינדא פור
גליאנו אינו פרימיירו
- 15 די אינפירמידדי אי אצידינטי. אי פור אוצינא אין שיאו קאנון אין או
- 16 פרימיירו ליברו. קי איאי אואה אינפירמידאדי קונפושטא די טריש
- 17 ליניאגיאש די אינפירמידאדיש. אין אואה גראנדיוא אונאדש.

1. Capitō terceiro, di apostemas do collo e dorso : como esquinencias, e bocio, e outras
2. eno setimo. Capito quarto, de apostemas dos hombros e dos braços, e
3. oporisma,¹ e panarezo, e quiragra. Capito quinto de apostemas do peito,

¹ A mistake for emborisma (i. e. aneurisma).

4. como por pestilencia, e das que vien enos emunctorios, e enas tetas, e coalha—
5. —mento do leite, e outras apostemas que vien eno peito.
6. Capito seisto de apostemas do ventre, e dureza do estomago, e do figado, e do baço,
7. e hydropisia. Capito setimo de apostemas das ancas, câ, hernia, e os
8. companhoes, e a bolsa, que de apostemas da verga, e do fundo, das hemorrhoidas
9. se dira eno quarto das ulceras. Capito outavo de apostemas das coxas
10. e pernas e pees, como de elephencia, varezes, e vena meden, que de podagra, se dira
11. eno seisto. Aquí se acaban as rubricas do segundo trautado.
12. Capito primeiro, sermon universal de apostemas sahidas
13. e bostellas maas. Começando do conhecimento.
14. Apostema. Cerca das causas essenciaes, ee definida por Galieno eno primeiro
15. de infirmitade e accidente, e por Avicenna en seu Canon en o
16. primeiro livro, que ee ãa infirmitade composta de tres
17. linhagies de infirmitades, en ãa grandeza ajunadas.¹

¹ If so, perhaps a mistake for ajuntadas.

THE LOCALIZATION OF MANUSCRIPTS

THERE are three stages through which perhaps all kinds of literary and historical research pass—the period of Material, when the facts and details and examples are collected ; the period of Classification, when these are examined and arranged in scientific or theoretical order ; and the crowning period, when the cause and significance of each class are ascertained, and the ideas underlying the subject emerge. The evolution of Architectural study is as clear an instance as could be adduced, and in the study of Palaeography, of which our present subject is a part, the same stages can be discerned. In this latter case the material may be said to have been collected slowly from 1650 to 1750, rapidly for the next hundred years, and triumphantly from the invention of photography shortly before 1850 to the present time. The classes and kinds of writing (and illumination) have also been to a large extent ascertained, within the last half-century, but the third stage has only been entered on, and there is much still to be done.

Yet the field is wide, the material ample, and the prizes valuable. Every historical record and every literary product of earlier date than 1450 have come to us through manuscripts, and need the attention of palaeographers ; and thousands of documents are still only to be found (if found at all) in written form. State papers and despatches, official registers of all kinds, transfers of property by deeds and leases, private correspondence—the study of any of these still brings us up against writing. But the need, and indeed fascination, of the study of manuscripts do not depend solely on a volume's contents

or beauty of form, for there is this special feature about them—which is to the point for the present essay—that every manuscript is unlike every other. It has a personality of its own, and does invest itself with a special colour and (one may say) complexion, derived partly from the place where it was written, partly from its date and circumstances, and not least from the man who wrote it. Even in the case of printed books our great master, Henry Bradshaw, has taught us that they, too, though they are produced in hundreds and thousands from one machine, are individual products—for great is the Duplicity of Duplicates. Much more is it so with manuscripts. The methods by which the maximum value is extracted from a written record are no doubt first employed on the details of handwriting, but have a wider scope, namely the characteristics of the scribe and of his surroundings and date. Was the scribe careless or accurate? Was he commonplace and wooden-headed, or that terrible phenomenon, an intelligent emender of the text before him? In what place or scriptorium was he working, for whom and at what period? What, too, has been the subsequent history of the volume? In the answer to these queries lies the only hope of divining, behind the pages we ourselves are contemplating, the volume which the scribe was copying, and its genealogy.

Three instances may be cited, in the briefest form, to show what complexion a codex can assume, when these wider methods are applied. (1) The *Academy* of 12 February 1887 contained a letter from Bishop John Wordsworth about the great Latin Bible at Florence called the Codex Amiatinus. It bears a record of gift to the monastery of Monte Amiata about A. D. 900, but all the important words are written over erasures of an earlier

metrical inscription, and the bishop called on scholars to help to unravel the mystery. Week by week help came, notably from Dr. Hort of Cambridge, and within a short time it was established that the manuscript was one of three written in Northumbria by an Italian scribe for Ceolfrid, the first abbot of Wearmouth and of Jarrow, and was the one presented by him to the pope in 716. This threw a flood of light on the Latin text and its value and relationships. (2) The Lindisfarne Gospels in the British Museum is a manuscript written in England in the seventh century, which contains a Latin text resembling that of the Codex Amiatinus, but is peculiar in its lists of holy days and lections preceding each Gospel. In 1891 these lists were closely examined and found to be Neapolitan. It is now certain that Adrian, who accompanied Theodore, archbishop of Canterbury, to England in 668, brought the manuscript from which the Lindisfarne Gospels were copied, from his own monastery of Nisita near Naples. (3) The best existing codex of the *Facta et Dicta Memorabilia* of Valerius Maximus is a ninth-century manuscript at Berne. The manuscript came before that great palaeographer, Dr. Ludwig Traube, and, as Professor W. M. Lindsay writes, 'at one touch of Traube's magic wand, this Berne MS. has become one of the most precious monuments of mediaeval learning'. Off slender indications skilfully followed out Traube established with certainty these facts: that Servatus Lupus, abbot of Ferrières, one of the few outstanding literary figures of ninth-century France, caused this manuscript to be copied for himself, and was correcting it with his own pen in 860; that the exemplar before the scribe was Irish or English, probably written at Fulda, and that that Irish or English copyist had

a manuscript before him written in capital letters and therefore of the highest antiquity.

These examples are taken from a field already well worked over, the period ending about A. D. 1000, in which Traube and his disciples, such as Professor W. M. Lindsay of St. Andrews and Dr. E. A. Lowe, have rendered great services. They are chosen to show what rich rewards may be awaiting the explorer in other periods to which less attention has been hitherto directed. And if the present notes range over some of the earlier centuries, it is only because the fruits of research in later times are still often lacking.

In all these instances it will be observed that Localization played an important part. And it is in the matter of Localization that we specially need further advance. The material is larger and more varied than is generally recognized, and it is the object of this slight essay to emphasize the point, and to indicate the lines on which further research would be fruitful.

A simple arrangement will be, to take first some data supplied by Abbreviation, next some derived from Forms of Letters, and lastly certain minor data in the order of the life-history of a book, reserving to the end a special case of localization by liturgical usage.

Abbreviation

It is essential to recognize—what Traube first made clear—the two different systems of Abbreviation: the first by Suspension, when the act of writing is suspended, once or more than once, after the first letter of a word; the second by Contraction, when the beginning and end of a word is supplied but all or nearly all of the middle is left out. Thus:

<i>Suspension</i>	<i>Contraction</i>
H. S. E. (Hic situs est : sepulchral)	p̄m' (primus)
.Tm. (TestaMento : legal)	dñō (domino)
Noñ (Nomen : palaeographical)	str (similiter)

Both Abbreviation and Forms of Letters well illustrate the two simple principles which (fortunately for the student) underlie and regulate all palaeographical change ; on the one hand the invincible laziness of humanity,¹ which makes one demand and use the shortest possible methods of writing each word and each letter ; and on the other hand the imperative necessity of the words being decently decipherable, when written down. It is the variable play and balancing of these two forces which usually affords us material for Localization, especially when a style is in process of formation.

In the earlier period the results of study can be best exemplified by a few notes on the balancing of the two systems of Abbreviation. The true ancient system was Suspension, described above. Long before Contraction came in view Cicero wrote in his letters S. V. B. E. (si vales bene est) ; a form of gift was D. D. M. L. (Dono dedit merito lubens) ; and Roman lawyers delighted in short forms (Notae iuris). But it was accompanied by two bad defects : the termination was never given—so that in an inflected language like Latin real ambiguity was almost unavoidable—and the system could only be applied to very common or recurrent words and phrases, being in fact hyper-drastic and inelastic. Nevertheless, Rome clung to this old system till about A. D. 300. Then the allurements of Contraction became too strong. A clear termination was offered, and thereby the grammatical

¹ Osler wrote, in 1893 : ' By nature man is the incarnation of idleness, which quality alone . . . remains in all its primitive intensity.'

construction of a sentence could be made evident. The new system was Hebrew in origin, and brought by Hellenizing Jews to Greece, and thence to Rome. At first only the five *Nomina Sacra* were contracted ($\overline{DS}$, $\overline{IHS}$, $\overline{XPS}$, $\overline{SPS}$, $\overline{DNS}$ = Deus, Iesus, Christus, Spiritus, Dominus), and these are found in this new contracted form in ecclesiastical writing at Rome about A. D. 300. Not till about 410 are they found in Africa (in the time of St. Augustine, bishop of Hippo) or in Gaul; and not till nearly 450 in Spain.

But so obviously preferable was the new system that soon other words were admitted to its advantages, until in the sixth century the gates were widely flung open, and lay words, as well as ecclesiastical, crowded in. A few examples will show how fruitful of localization (and dating) these changes are.

I. Italy at first adopted the common formula of Contraction, namely the first letter + a medial letter (if needed for clearness) + termination, such as $\overline{eps}$ (episcopus), $\overline{ecla}$ (ecclesia), $\overline{kmi}$ (karissimi; a common word and therefore suitable to be contracted, because so many ancient and medieval sermons began with 'karissimi fratres', 'dearly beloved brethren'). But Africa (in vi) preferred a variant of the Hebrew system, only cutting out all medial vowels, as $\overline{epscps}$ (episcopus), $\overline{eclsa}$ (ecclesia; in medieval Latin always *ecca*). And in vi and vii this style passed to Spain. Thus in vi this peculiarity is African or Spanish (not Italian): in vii it is probably Spanish, later it is only Spanish.

II. *Autem* ('but': never the first word in a sentence). There were at least three Suspension forms: (a) .at., pure Suspension, the common legal form in vi; (b) .Aut., an Italian form in vi-vii, which in viii passes from Italy and

becomes specially French, till in x it comes into general use; (c) a later Italian form .au.; and this passed to Germany, not France, and becomes distinctively German in viii-ix med. It will be noticed that in an indeclinable word the termination is of comparatively little importance, so that autem did not give way readily to the new system. In fact the first Contraction form (aum) is not Italian at all, but distinctively Spanish. In Insular writing (i.e. in Great Britain and Ireland) a special form (derived from a Tironian note, that is, Roman shorthand) is found, namely h. Thus, when in an ancient manuscript of a grammatical treatise at Bobbio in North Italy we find both au. and h, we might at once provisionally infer that the manuscript was probably written in Italy in a scriptorium under Irish influence, such as Bobbio was. No similar English influence occurs in Italy. The manuscript has in fact never left its first home.

III. *Noster* and *Vester*. An example of the variable balancings of abbreviation is to be found in the word *noster*, an undistinguished word, but particularly common because it enters into the universal liturgical expression *Per Iesum Christum Dominum nostrum*. The genitive case (*nostrī*) will better show the changes than the nominative.

When the battle of the forms begins, in vi, the two chief Suspension forms were .n., the oldest (which was not only too ambiguous, but collided badly with non), and .nt. The attacking party, bearing the banners of Contraction, was entirely for the nī type (nī, *noster*; nō, *nostro*; nīm, *nostrum*, &c.), which in vi and vii killed .n. and expelled .nt. from Italy. But the victorious type was not without its private discomforts, for nō collided with non and with nomen, and nā collided with nam, so that in Spain, the home of strange forms, a new type,

$\overline{nsi}$, was evolved before 600, which (with $\overline{nsr}$, $\overline{nso}$, &c.) is not found elsewhere. But the really formidable rival to $\overline{ni}$, the rival which in later ages completely swept the board, so that after 900 hardly any other type is found at all, is $\overline{nri}$ ($\overline{nr}$, $\overline{nro}$, $\overline{nrn}$, $\overline{nris}$, &c.), first found in viii. It immediately waged war with $\overline{ni}$, in the following ways.

In *Italy* the conflict lasted from 700 to 900, ending as elsewhere in a complete victory for the invader.

In *France* the same centuries witnessed the struggle, but in viii a by-form $\overline{noi}$ was produced in the despair of defeat.

In *Ireland and England* it took only one century, 700–800, and from the shortness of the fight we may draw what flattering conclusions we like as to our national common sense.

In *Germany* the campaign did not begin till 800, and then lasted till late in x, a hundred years after every one else had laid down his arms, and was enjoying the blessings of peace.

Spain could not be normal, so after its early $\overline{nsi}$ type, it first accepted defeat almost at once, and then evolved three quite distinctive by-forms of Contraction, $\overline{nsri}$, $\overline{nstri}$, and even $\overline{nori}$!

There is finally an amusing side issue, for $\overline{nri}$ (*nostri*), the protagonist, haled in $\overline{uri}$ (*uestri*) as a *ferentarius*, because *noster* and *vester* naturally ran on parallel lines. So *vester* had its own fights, not to be here detailed. And, to cap everything, the two unequal brothers, having jointly won the war by A. D. 900, eventually quarrelled with each other, so that in the thirteenth to the fifteenth centuries, when *n* and *u* were usually indistinguishable in form, one often cannot tell whether one is dealing with *noster* or *vester*, through all their cases!

Forms of Letters

The preceding examples of localization from the well-worked field of early writing show what can be done, and the definite conclusions which can eventually be reached. We may now proceed to the Forms of Letters in the later centuries which are usually called Medieval. We may remember that from the ninth century, and very markedly from the eleventh, there were in Europe (including Great Britain) for the second time National Handwritings, varying from century to century; and also subdivisions of national hands according to their subject-matter, exhibiting local peculiarities. What is not yet fully recognized is the illimitable subdivisions of each national hand according to subject-matter and locality. For the purposes of the king's courts legal handwritings were employed which differed for the Exchequer, for Royal Grants, and for legal Administration, and are generally termed Court-hand. Annals, chronicles, and histories were in book-hand. Liturgical usage necessitated a large, easily read church-hand. Besides this every separate monastery tended to develop and then retain details of difference. As for personal handwriting, we know from our own sad experiences how infinite are the differences, except where there has been conscious or unconscious imitation, as when a head master impresses his style on his Sixth Form. It is not too much to say that when proper research shall have been carried through, the scriptorium of every monastery will display successive distinctive peculiarities.

For instance, in the Benedictine abbey of St. Albans there was an official historiographer as early as 1166, and a regular tradition was gradually formed in the scrip-

torium, both of historical composition in chronicles and annals, and of styles of writing. The third historiographer at St. Albans was no less a person than Matthew Paris (1235-53). We know precisely the writing of the scriptorium in his time. One trick was that the perpendicular stroke in h, l, and b should be broken-backed; another was that the symbol for -us should be bent in a peculiar way. The St. Albans illuminators were fond of a light-green strip of colour, about one-eighth of an inch broad, on each side of a column of writing; and so on. There is a peculiar set of St. Albans spellings, such as cisma for schisma, excercitus for exercitus, imfra for infra. Points like these became traditional and lasted long. So, too, the Austin canons of St. Mary's at Carlisle seem to have celebrated the conversion of their conventual church into a cathedral in 1133 by developing some remarkable tricks. The lower part of their capital Q appears quite detached from the upper; they adorned the tails of p and q, when they emerged into the lower margin of a page, with alternations of dots, short wavy lines, and small circles; and they marked the quires by arabic numerals in the upper outer corner of the first page. And again in the great rival houses at Canterbury, Christ Church and St. Augustine's, it is only a display of human nature when we find them far from imitative of each other. At St. Augustine's the scribes affected a great liking for a short sloping line at the upper or lower edges of the long strokes of letters like b, p, and q; and they turned the final stroke of h inwards, instead of joining it on to the next letter. Christ Church cared for none of these things, but delighted in a little hair line (a French trick) at the top of the first stroke of letters like i, n, m, u, and t. At Buildwas abbey in Shropshire

the g and q were quite peculiar. At St. Mary's abbey at York the capital X and M were hardly recognizable as such. More columns than two on a page of an ordinary medieval manuscript are quite rare, but at Cîteaux, in the mother church of the Cistercians, it was a regular practice early in the thirteenth century to write large volumes with three columns of fifty-two lines on each page. The private hand is usually most distinctive and personal, and separable from the set traditional style of the scriptorium. William of Malmesbury's hand can be recognized anywhere, from the form of d. There is a manuscript of the *Distinctiones* of Simon de Boraston, written in the abbey of Bury St. Edmunds about 1380-90, of which the first forty-one leaves are in the hand of the abbot of Bury himself (John de Timworth), but he tired of the task (or it killed him), and the remaining three-quarters of the treatise are written by the sacristan. Neither part is in the scriptorium hand (*New Palaeogr. Soc.*, Facs. No. 170: 1909).

These notes and examples show that patient investigation of differences (not similarities) in writing would go far towards localizing every ordinary manuscript. In case of illumination, the artistic details of style or even of preparation of surface and of pigment reveal unexpected secrets, as soon as co-operation and experience have provided an 'Open Sesame'; but the subject is too wide to be more than mentioned here.

Minor Sources

Handwriting and decorative work such as Illumination are far from being our only instruments of research. There are several less obvious sources of help, to which we may now give some attention. They can conveniently

be arranged in the order of the stages in the production of a manuscript.

The first in order of time is something of a paradox, for an Irishman would describe it by declaring that you can usually tell where a manuscript was written before it was written at all. That is truly so (I am an Irishman myself). Before he can start the scribe must procure his parchment, that parchment must be prepared for him, and the preparation can be varied in a thousand different ways. The parchmenter has to settle, or get settled for him, what size of sheet he is to provide; what lines to mark, and at what distance from each other, to guide the writing; what length of line to allow, and what height of column; what width of margin, and what duplication or triplication of bounding lines; what quality of parchment, and how much trimming of irregular edges. The lines were of course not ruled in ink, but made by the pressure of a metal stylus, so that a furrow appears on the recto of a leaf, and a corresponding ridge on the verso. Sometimes a second perpendicular line occurs on the left of a column, to enclose capital letters projecting into the margin. Often, at regular intervals, horizontal lines are allowed across the margins to guide inserted notes. In all this there was infinite scope for local custom and peculiarity, and one is ashamed to confess that so obvious a test of localization has hardly in any single case been followed out. In manuscripts late enough to be on paper, the watermarks (or rather the occurrence of several different watermarks in one volume) will point convergently to some place and even date.

When the writing is done, the leaves have to be finally arranged to form a quire (of four, six, or more leaves) to guide the binder; and catchwords (xii on), with foliation

(xiii on) or pagination (xv) are added. Above all, the marking of successive quires by signatures is most various and illuminating, especially from the wide choice of position on the first (or last) page of the quire. Often they are placed on extreme edges where the binder is sure to cut them off, and often also conspicuously in the centre of the lower margin. And last of all the binding may be quite distinctive, and lead unerringly to the place of origin.

It is unfortunate that in Latin manuscripts (and to some degree in Greek) the misplaced humility of the scribe generally forbade the mention of his name. But the 'pride which apes humility' sometimes has its revenge, and the concluding words (colophons) break out into verse, and express lassitude, thanksgiving, piety or malevolence, in so personal a way that a large collection of these subscriptions should be of some use for localization, especially where loose grammar or disregard of metre marks the imperfect scholar. Some forms are no doubt common, but many are peculiar. A few examples may be allowed.

O Mater Dei Memento mei.

Scriptor sum talis, monstrat mea littera qualis.

Dextram scribentis benedicat lingua legentis.

Explicit hic totum : pro Christo da mihi potum.

Omnibus est notum quod multum diligo potum : }

Qui bona vina bibit, Paradiso fortior ibit. }

Hic scriptor cesso, scribendo pollice fesso.

Scribere qui cupiunt, sensum Deus augeat illis.

Jesus mercy, Lady help :

For Cutt my dogge is a parillus welp. }

Finito libro { sit laus et gloria Christo.
frangamus ossa magistro.

Explicit. Expliceat ! Ludere scriptor eat.

(Observe that neither *explicit* nor *expliceat* is a word to be found in a Latin dictionary, except as errors.)

One of the most powerful engines of research is still to be mentioned—the ‘ 2^{do} folio ’ of existing library catalogues. Our forefathers were masters of the art of marking and identifying their own manuscripts. In describing them they were well aware that the mere Incipit—the first words—would never serve to monomark their own volume, because every manuscript of the treatise would have the same incipit. But they saw also that to give the first words of the *second leaf* would differentiate, practically in all cases, one manuscript from another. Accordingly for monastic libraries it became a not uncommon rule that the description of a manuscript should include the ‘ 2^{do} folio ’ words. Such catalogues abound, and if investigators would make two indexes (in slip form), one of ‘ 2^{do} folio ’ words in catalogues, and the other of them in manuscripts at the British Museum, Oxford, and Cambridge, it may be regarded as certain that astounding identifications would directly result from comparing the two lists. Hundreds of volumes await this almost mechanical test—a test within the powers of any student to provide.

Corroboration of this test would often be supplied by the monastic library shelf-marks, or remains of them, which are often of themselves quite distinctive, as some plates in the New Palaeographical Society’s volumes show. Thus the form ‘ Distinctio IV Gradus 4 ’, or its equivalent, was in use at St. Augustine’s, Canterbury; ‘ G. 21 ’ at Bury St. Edmunds; ‘ D. H. ’, followed by a kind of merchant’s mark, identifies the library of St. George’s at Windsor. In this line some work has already been done.

The development of Musical Notation can now for the first time be scientifically studied, in H. M. Bannister’s

Paleografia Musicale Vaticana, and is too detailed to be here described, but a few notes will show the lines on which localization can proceed. No notation is known before about A. D. 800. The first system was by neums (shaped like accents, acute or grave, with modifications) which only indicated relatively higher or lower notes. After trials with alphabetical notation and with actually writing the words or syllables higher or lower, Nonantula and Como in the tenth century started a system with points only, and in xi and xii the Como system is found in France. Then only in Italy in xi are the points joined by hair lines. At last the line system comes in, developing into the modern stave. In South Italy, xi-xiii, a single line is used indicating F. In North Italy we find two lines in xii (F and C) and four in xiii. In France, Germany, and England the development has similar but distinctive dates. From 1300 to 1400 Europe employed a four-line stave, but the modern stave of five lines begins soon after 1400.

Lastly, the editor of this volume is of opinion that a list of Localizations by liturgical form may be of interest. It perhaps deserves a wider circulation than it had in its first form in the *Bodleian Quarterly Record* of July 1920 (No. 26), and is therefore printed here as an Appendix. Similarly a list of dedication of churches or veneration of local relics on particular dates could be gleaned from liturgical calendars and would identify the places of origin. Some hundreds have already been collected by the writer and Dr. Bannister.

The practical issue to which these notes lead up is the desirability of organized research on the lines of local investigation. It matters not whether governments take up such a scheme, or universities, or learned societies, or

individuals. If money or energy be forthcoming from any of these sources, students will be found ready to capture and classify the peculiarities of every place where historical or other records were written. One cannot say that nothing has been done. Enough has been done to show the way and the certainty of reward. Presumably the largest centres of production of manuscripts would be the first subjects for study, such as Rome, Florence, Paris, Canterbury. One or two persons would undertake each place, and would begin by ascertaining what manuscripts were indubitably produced at each of these centres, and subject them to the closest examination to find their differentiae, when compared with other writing of the country and time. There would be an abundance of interest in the work, for illumination would engage considerable attention, and the ways of scribes and scriptoria; while other subjects would be such as I have indicated:—the preparation of the parchment; the traditional and personal peculiarities of the writing, especially the tricks; the methods of calling attention to a passage by a marginal symbol; the kind of flourishes or ornamental treatment of the long strokes which overflow into the margin; the first words of the second leaf of each manuscript, to be compared with the 'secundo folio' notes in monastic catalogues; the metrical and other colophons; the early owners; the references in monastic annals. These and other similar labours would in time enable the special worker to attain to something like a power of divination in his subject.

The results would be numerous and important, and by their aid we could re-write the literary history of many an abbey, and do tardy justice to the intellectual activity of some forgotten spots, until at last with our new armour

we could converge from many quarters on various central problems—the original texts of writers of the past, the course of streams of tradition, the comparative state of learning and civilization in diverse districts, and often the lines of the march of ideas in theology, literature, and science.

F. MADAN.

APPENDIX

HOURS OF THE VIRGIN MARY

(TESTS FOR LOCALIZATION)

OF all classes of Manuscripts the commonest is probably the Latin *Horae Beatae Mariae Virginis* in the shorter form. As they often contain miniatures, or at least illuminated capital letters, of varying excellence and value, they are much sought after by private collectors. Probably a couple of hundred of these manuscripts change hands in the London sale rooms every year. The reason of their frequency is that they were the only liturgical volumes intended for lay persons to possess and bring to church: they were *not* for the priests' use alone.

The possessor of a *Horae B. M. V.* is usually much interested in his book, but cannot easily get beyond some vague generalities, that the writing and illumination and calendar or litany point to some particular century and country, and perhaps some district. There are, however, certain tests which may definitely localize these volumes. As is well known, the usual composition of a Book of Hours is: (1) A Calendar, followed by four sequences from the Gospels, and prayers; (2) the order of service for each of the Canonical Hours—Matins, Lauds, Prime, Tierce, Sext, None, Vespers, and Compline; (3) the Penitential Psalms, with litany and prayers; (4) the Office for the Dead (the *Placebo* and *Dirige*); (5) private and miscellaneous prayers. In short, the service corresponds, in some sense, to the offices for Morning and Evening Prayer in the Church of England; for each of the Hour Services mentioned above contains a preparation, hymn, psalms, lections (*lectiones*) or chapters (*capitula*), hymn, canticle, and prayers. Also, the psalms of the day

have an antiphon or short sentence peculiar to the Hour and position, and are followed by the chapter or lection. Hours of the Cross, Holy Spirit, &c., are often added to, or interwoven with, the Hours of the Virgin.

It is found that if the Hour services of Prime and None are taken, and in each the *Antiphon* to the Psalms and the *Capitulum* are noted, the four resulting groups (each represented by its first two or three words) suffice to differentiate nearly all local Uses. These tests are printed below, for about eighty Uses, and the list might be greatly extended if our readers would send notes of their own manuscripts. Of course the Roman or Sarum Use sometimes covers whole districts, but on the other hand very many localities had their own special Antiphons and Lessons, as may be seen by the following table, which has been partly compiled by the writer, and nearly doubled in extent by the late Dr. H. M. Bannister, who took up the idea in his last few years and made notes from such Hours as he came across in foreign libraries. The list, though incomplete and inchoative, may be of use to readers, and owes some additions to the learning and research of Mr. J. A. Herbert and Dr. Craster.

DOCUMENTS AND RECORDS

PRIME.	Capitulum.	Antiphon.	NONE.	Capitulum.	USE.
	—			—	
Ab initio	Ego mater	Et radicavi	Et radicavi		Cistercian
Alleluia	Ab initio	Alleluia	Quasi cedrus		? Carthusian
Assumpta est	Ab initio	Pulchra es	Sicut cinnamomum		Toul
"	Ego quasi vitis	Pulchra es	Transite ad me		Carmelite
"	Ego sapientia	Pulchra es	Trahe me post te		Ghent
"	In omnibus	Pulchra es	Et radicavi		Bale
"	In omnibus	Pulchra es	Sicut cinnamomum		Venice
"	Quae est	Pulchra es	In plateis		Langres
"	Quae est	Pulchra es	Sicut cinnamomum		Rome
"	Quae est	Quae est	In plateis		(? Netherlands)
"	Haec est Virgo	Hortus conclusus	Gaude Maria		Brittany
Ave Maria					Vendôme (La
"					Trinité)
"	Haec est Virgo	Hortus conclusus	Per te Dei		Sens
			(Vespers, antiphon to		
			Psalms)		
			Sancta Dei		
			genitrix		

PRIME.	Antiphon.	Capitulum.	Antiphon.	NONE.	Capitulum.	U _{SE} .
Ave Maria		Haec est Virgo	Hortus conclusus	Per te Dei (Vespers, antiphon to Psalms) Beata mater et intacta		Troyes
"		Maria Virgo semper laetare	Sancta Dei genitrix	Sicut cinnamomum		Paris
Beata es Maria		In Iacob inhabitata	Beata mater	Sicut cinnamomum		S. Magloire
Beata mater		Ab initio	In prole mater	Paradisi porta		Como
"		In omnibus	Pulchra es	Et radicavi		Bayeux
Beata progenie		Domine miserere mei	Sub tuum praesidium	Paradisi porta		Coutances
Benedicta tu		Felix namque	Sicut liliū	Per te Dei		Paris
Conceptio gloriosae		Regi seculorum	Cum iocunditate	Beatus homo qui (Prime, last Psalm) Qui- cunque		(French ? Paris)
Dignare me		Ab initio	Beata mater (or no antiphon)	Quasi cedrus (Lauds, antiphon to Psalms) Ante torum; or (as Tréguier) Post partum		(Dominican) e. g. Tréguier
"		Ab initio	Beata mater	Quasi cedrus (Lauds, antiphon to Psalms) Post partum		Tréguier (Dominican)

"	Et dixit mihi in Jacob	Pulchra es	In plateis	Camaldolese
Ecce tu pulchra	Ego quasi vitis	Fons hortorum	Et radicavi	Besançon
"	Beata es Virgo	Fons hortorum	Felix namque	Geneva
Gloria tibi Trinitas	See Quando natus			? Normandy
Haec est regina	Felix namque	In prole mater	Quam pulchra es, or, Favus distillans	Gloucester (Benedictine)
Hortus conclusus	Ego mater	Fons hortorum	Felix namque	Lausanne
"	In omnibus	Gaude Maria	Et radicavi	Braga
In Sion firmata	Missus est Gabriel	Sicut cinnamomum	Spiritus Sanctus descendet	? Augustinian (English)
Missus est angelus	Ecce Virgo concipiet	Ecce ancilla	Ecce Virgo	Rouen
Maria Virgo	Per te Dei	Pulchra es	Et radicavi	Constance
"	Trahe me post te	Pulchra es	Veni in hortum	(monastery)
O admirabile	Ab initio	Ecce Maria	Felix namque	Lisieux ?
"	Ab initio	Germinavit	Gaude Maria	Bourges
"	Beata es	Ecce Maria	Felix namque	Tiron congr. (Benedictine)
"	Ego sapientia	Germinavit	Et radicavi	Adelberg (Premonstr.)
"	Exaltata es	Germinavit	Sicut cinnamomum	Le Mans
"	Gaude Maria	Ecce Maria	Et radicavi	(London)
"	Gaude Maria	Ecce Maria	Sicut cinnamomum	Dol
"	Haec est Virgo	Beata Maria	Beata es Maria quae	St. Omer
"	Haec est Virgo	Ecce Maria	Et radicavi	? Oxford

"	Virgo Verbo	Germinavit	Per te Dei	Soissons
"	Virgo Verbo	Germinavit	Te laudant	Tours
O speciosa	Haec est Virgo	Reconcilia	Et radicavi	(Brigitine) on Sundays
Per te Dei	Maria Virgo	Pulchra es	Per te Dei	Rouen
Post partum	Haec est Virgo	Pulchra es	Per te Dei	Orleans
Prophetae	Egredietur virga	Benedicta tu	Ave Maria	York
Quando natus	Ab initio	Beata Mater (?)	Quasi cedrus (Vespers, Capitulum) Maria Virgo	Limoges
"	Ab initio	Ecce Maria	Et radicavi	Nantes
"	Ab initio	Ecce Maria	Quasi cedrus (Vespers, Capitulum)	Utrecht
Quando natus, or, Salve sponsa Patris	Ab initio	Ecce Maria	Quasi oliva speciosa	Gilbertine
	Ab initio	Ecce Maria (or, Gaude virtutum dominator)	Tota est speciosa	? St. Frideswide, Oxford
Quando natus, or, Gloria tibi Trinitas	Domine miserere	Ecce Maria	Per te Dei	? Normandy
Quando natus	Haec est Virgo	Ecce Maria	Per te Dei	Châlons
"	Haec est Virgo	Rubum quem	Paradisi porta	Châlons
"	In omnibus	Ecce Maria	Et radicavi (Terce, antiphon) Quan- do natus es	Avanches

<i>Antiphon.</i>	PRIME.	<i>Capitulum.</i>	<i>Antiphon.</i>	NONE.	<i>Capitulum.</i>	USE.
Quando natus		In omnibus	Ecce Maria	Et radicavi (Terce, antiphon)	Ru-	York
"		Maria Virgo semper	Ecce Maria	Et radicavi	bum quem	Canterbury (Christ Church)
Regali ex progenie		Ego ex ore Altissimi	Alma Virgo Maria	Transite ad me		Interlaken (Sorores S. Augustini)
"		Ego mater pulchrae dilectionis	In prole mater	In plateis		Italian
Rubum quem		Ab initio	In odorem	Quasi cedrus		?
Salve sponsa Patris		Ab initio	Gaude virtutum (or, Ecce Maria genuit)	Tota est speciosa		? St. Frideswide, Oxford
Sancta Dei genitrix		Beata es Maria	In prole mater	In omnibus requiem		Beverley (minster) Austin Canons
"		Ego sapientia	Pulchra es	Transite ad me		Mainz
"		Felix namque	In prole mater	Te laudant angeli		Durham
"		Felix namque	Succurre nobis	Per te Dei		St. Bertin's Abbey
"		Felix valde	Gaude Maria Virgo	Maria Virgo semper		? Tynemouth
Sancta Maria Virgo		Trahe me post te	Pulchra es et decora	Ego flos campi		Hildesheim
Sub tuum praesidium		Haec est Virgo	Beata mater	Per te Dei		? Beauvais
"		Haec est Virgo	Intemerata	Per te Dei		Cambray

Tota pulchra ” Tribus miraculis	Gaude Maria Haec est Virgo Concepit Virgo Ab initio	Pulchra es Alma Virgo Maria Beata Mater et — — — — —	Virgo Verbo Per te Dei In omnibus — (Compline, capitulum) Beata es Maria Et radicavi Quasi cedrus Et radicavi Felix namque	Tournai French, xiii Langres or Troyes Liège Morimond (Cistercian) Apt Antwerp Autun Meaux
—	Ab initio	—	Et radicavi	Morimond
—	Ab initio	—	Quasi cedrus	(Cistercian)
—	Ego sapientia	—	Et radicavi	Apt
—	Virgo Verbo	—	Felix namque	Antwerp
—		—		Autun
				Meaux

(In Vespers, Psalms, *Dixit Dominus*, *Laudate pueri*, *Credidi propter*, *Lauda Hierusalem*.)

EO QUOD EXPRESSA MENTIO, ETC.

IN the first parliament of Henry IV a statute was enacted containing a chapter which had the effect of introducing into royal grants or gifts made under the great seal a new clause ; and it is with the origin of this clause and the history of its development that this paper is intended to deal. The story of its origin leads the inquirer to a foreign chancery ; the history of its development ends here with a famous case and the fall of a dynasty. Between these two points lies the dull tale of the growth of a form, a form which must have seemed to the men who devised and improved it little more than a mere precaution against possible objections to the validity of the letters under the great seal which they were drafting. It came into use in the chancery of a king, whom some historians have commended for his scrupulous respect for constitutional law. It was formally abolished by the Revolution of 1688, and continued in use in the chancery of the king, whom that revolution placed upon the throne as a constitutional king, and as the successor of a king whom few historians have ever described in that manner.

The statute ¹ of 1 Henry IV is printed in the *Statutes of the Realm*, but for the convenience of the reader the chapter under consideration is reprinted here, together with a portion of an amending statute enacted in the following year. The first act runs as follows :

Item aufyn que nostre dit seignur le Roi en temps avenir ne soit

¹ *Statutes of the Realm*, 1 Henry IV, c. 6. The text used is that of Record Edition, vol. ii, p. 113.

deceux en ses graunts ou douns annuels ou en fee ou en acuns offices par lui a doners fairs ou graunters, il voet de l'assent des seignurs espirituels et temporels susditz et a la requeste des ditz communes estre conseillez par les sages de son conseil es choses touchantz lestat de lui et de son roialme sauvant toutfoitz sa liberte ; et voet et ad ordeinez et establiez de lassent susditz que toutz ceux qui desore enavant demanderont du roi terres tenementz rentes offices annuites ou autres profits queconques facent expresse mention en leurs petitions de la value de la chose ensi a demander et auxi de ce qils ont eu du doun le Roi ou des autres ses progenitours ou predecessours pardevant. Et en cas qils ne facent tiel mencion en lour ditz petitions, et ce duement prove, soient les lettres patentes du Roi ent faites nient vaillable ni de null force neffect mais de tout revokez repellez et adnullez pour touz jours au punissement de ceux qensi ont fait tiel deceit au Roi come ceux qi ne sont pas dignes denjoiers leffect et benefice des lettres patentes a eux grauntez en celle partie.

There is an amending and declaratory act¹ in the following year, part of which must be given here in full. In this act the king after reciting the purport of the act given above continues in the following terms :

Nostre seigneur le Roi considerant que le dit estatut est trop dure pur ses liges . . . de ses propre voluntee et certeine science a graunte de faire grace et pardon a ceux qui le veulent poursuivre de quant quils se sont mespris encontre la forme du dit estatut. Et enoutre mesme nostre seigneur le Roy pur que le mesme estatut est moult obscure et embosoigne declaration. . . .

With the declaratory part of this act this paper will not deal ; but the explanations may be briefly summarized. In the first place the king's progenitors and predecessors are defined to be Edward III, Richard II, Edward, prince of Wales, and John, duke of Lancaster. Next the words other profits are defined as not extending to any profits amounting to £100 or less, unless the gift

¹ *Statutes of the Realm*, 2 Henry IV, c. 2. Printed in the Record Edition, vol. ii, pp. 120, 121.

or grant consisted in wards or marriages. Finally in enumerating previous gifts it was not to be necessary to mention confirmations or licences. It will be noticed that by this second act the king admits that the first act is too severe and promises to provide a remedy for hard cases arising from it by issuing pardons to those who have mistaken the new law, which is not to be understood without difficulty. It is natural to us to-day to say that in this way the crown took power to override the statute law. This, however, is to read modern ideas into the statute. It must be noticed that in the original act the king's prerogative is expressly reserved by the words '*sauvant toutfoitz sa liberte*', and in the amending act it is again declared that the king in providing a remedy is doing so '*de ses propre volonte et certaine science*', words which would run in Latin '*ex mero motu et certa scientia nostris*', and in English '*of our own mere motion and sure science*'. The second act is really a declaration by the king that he will use his prerogative to remedy any grievances which may arise under the first.

No doubt the first act was aimed at a definite evil; it was an evil known to both the new king and the men who had set him on the throne. The danger was that the king might be led astray and impoverish himself by grants of lands or money and so be unable to '*live of his own*', in spite of the fact that the new dynasty had in their own hands the revenues of the great Duchy of Lancaster. Another motive may have been the fear that the king might wish to create a new nobility depending directly on him, as both Edward III and Richard II had done to some extent. The part played by the family of Montague in the Wars of the Roses is enough to show that this was a real danger to the Lancastrian party. But

in the main the act is essentially a vote of censure on the doings of Richard II and a pious expression of a familiar doctrine of medieval finance. It did not constrain the king, for if the Lancastrian kings had one fixed maxim, it was that the Duchy of Lancaster was to be kept intact in their own hands. A good deal more could be said on all these points, but this paper is concerned rather with the effect of the act than the policy which lay behind it.

The effect of the act was to introduce two new rules applying to the wording of all petitions addressed to the king for grants of lands, offices, annuities or any other profits whatsoever. Such petitions are to contain an express mention of the value of the thing prayed for; and they are also to set forth all previous gifts made to the petitioner by the king or his progenitors or predecessors. If it is proved that the petitioner has kept silence on these points, the letters patent made on his petition are to be of no effect and are to be annulled. There are several points to be noticed here. If the words of the act are construed strictly, it might be supposed that a full disclosure of these facts in the petition was all that was required, and that there was no need of any mention of them in the letters patent. It must, however, be remembered that by this time the wording of the letters patent is regularly taken from the petition, so that the omission of these facts in the letters patent might be held to show that they had been omitted in the petition. At any rate it is clear that for this or some other reason it was held that an omission of this kind made letters patent void. Again it might also be argued that the act did not apply to charters; and at first it would seem that the chancery took this view, since there is nothing in the form of the charters of the first two Lancastrian kings to suggest that

the act applied to them. Later,¹ as will be seen, charters were brought within it, possibly *ex maiori cautela*. A third—and very difficult—point may be raised. Does the act apply in cases where there was no petition? If the king states in the gift or grant that he is making it ‘*ex mero motu et certa sciencia nostris*’, has that formula any power to take letters patent containing it out of the act? ² We have met these words in an act of parliament already. At a later date they will be found in charters and letters patent. Doubtless they were borrowed from the Papal Chancery, though it is probable that the borrowing was not direct. But nothing seems to be known as to their legal effect, if any.

But the main point is the origin of the provisions in the act under consideration. Any one who has looked at a Papal Bull granting a benefice must at any rate suspect that the rules laid down in the act come from the rules laid down by the Papal Chancery. Every such bull must mention the value of the benefice granted, and there are many rules explaining the exact nature and proper method of computing the *verus valor* of a benefice to be found in writers ³ on the practice of the various offices in the court of Rome. Again such bulls must also set forth all the benefices held by the grantee under previous grants. And it was also necessary that the person petitioning should make a full disclosure on these two points in his petition.⁴ It is not necessary to discuss here the

¹ The first instance of a charter containing any clause arising from the act occurs in 21 Henry VI.

² Compare the effect of a *proprio motu* in a Papal Bull.

³ Cf. Amydenius, *De Stylo Datariæ* (1754), Lib. I, Cap. xvii, § ii.

⁴ The general rule is as follows: ‘*Declaravit dominus noster . . . quod secunda gratia non valet nisi fieret mentio in eadem de prima.*’ The date is xiiij. Kal. Iulii anno nono (19 June 1350), but the rule is much older

origin and purpose of either of these rules. The latter rule is aimed at pluralities, and even an accomplished canonist might hesitate to undertake a discussion of that question. All that is needed here is to point out the great resemblance between these two rules of the Papal Chancery and the provisions of the act of Henry IV. In itself this resemblance is almost enough to establish the first thesis of this paper. But what may appear a conjecture becomes increasingly probable when we consider the effect of this act on the letters issued from the English Chancery, and compare the new clauses in them with the style of the bulls issued from the Roman court. Both chanceries dealt with the matter in the same way. In the letters issuing from the Apostolic Chancery the declaration of value is found in its natural place¹ after the name of the benefice granted; and the recital of previous grants comes in the *non obstante* clause, again a natural place because the rule against pluralities had to be met in this way. In the letters issuing from the English Chancery the same method was adopted. The value, if stated at all, is stated in its natural place; the recital of previous gifts comes at the end in a *non obstante* clause, an illogical device because the fact that the beneficiary had such gifts was no impediment to his receiving others. Moreover, it was not only an illogical device, but a new device. Hitherto a *non obstante* clause had chiefly been used in licences to alienate in mortmain; henceforth it became a necessary part of all gifts or grants by letters patent. It is impossible to doubt that the new form was

than this statement of it. For the consequences of reticence, see Sext. Lib. III, Tit. iv, c. xxi. For a form of petition in 1754, see Amydenius, *ut sup.*, p. 489.

¹ e. g. *ecclesiam de A. cuius valor non excedit, &c.*

introduced by clerks who copied unintelligently the form of a bull. A small peculiarity of language points in the same direction. The clause reciting previous gifts in a bull runs as follows: 'Non obstante quod noscaris [here follows the list of benefices already held] obtinere.' In the earliest examples of the clause in letters patent the same word *obtinere* also occurs. It is dangerous to express an opinion on the language of any medieval office; but it may be suggested that in the style of the English Chancery *obtinere* is a rare word.

There is much more to discover on all these points; but it is time to come back to the practice of the English Chancery. After the two acts of Henry IV had become law, certain letters patent were issued before it was settled that a new form of letters patent had become necessary. These cases were dealt with under the second act by the issue of fresh letters in place of the invalid letters which were surrendered. The following clauses taken from a patent in favour of John Cotton¹ will explain the method used. After a recital of the invalid letters the cause of their surrender is set out in the following form, from which the particular circumstances have here been omitted:

Ac dicte litere . . . sic facte pro eo quod non fit mentio in eisdem de valore [premissorum]² . . . ac de [aliis donis] per dominum Regem Ricardum nuper concessis . . . iuxta statutum in parlamento nostro apud Westmonasterium anno regni nostri primo tento inde editum valide non existant ut accepimus . .

and a fresh grant follows, ending with the following clause:

Statuto predicto aut [aliis donis] que valorem decem solidorum

¹ Patent Roll, 2 Henry IV, pt. 4, m. 11.

² The words in brackets replace the details given in the original.

per annum . . non excedunt ut dicitur, prefato Iohanni Cotton ut premittitur concessis non obstantibus.

A similar form was employed in cases where no previous and invalid patent had ever existed, and where in consequence no surrender could be made. Letters patent ¹ in favour of Edward, earl of Kent, dated 26 June, 2 Henry IV, ends with the clause :

Eo quod prefatus Edmundus ducentas marcas per annum . . . de dono nostro et etiam centum marcas annuatim in Scaccario ex concessione carissimi domini . . . nostri Ricardi predecessoris nostri defuncti . . . optinat non obstante.

In this case it is probable that if the petition, on which these letters issued, could be discovered, it would be found to contain the clause given above. One more specimen of the early form of the clause deserves to be given in a note,² because it mentions the defect in the petition and shows the amount of detail which it was at first thought well to include in a *non obstante* clause. The transaction was a complicated one, being in reality a sale by the alien abbey of St. Ouen of Rouen of land held by them in England. But the care and minuteness with which all possible causes of invalidity are noted and excluded suggest that it was drafted in imitation of the elaborate *non obstante* clauses of the Apostolic Chancery.

¹ Patent Roll, 2 Henry IV, pt. 4, m. 9.

² Eo quod in petitione super qua dicta licencia fuit concessa nec in eadem licencia nec in dicta confirmatione nostra de vero valore annuo manerii sive prioratus predicti nec de triginta et quinque libris dicto Iohanni pro termino vite sue . . . per nos ante datam dicte licencie concessis mentio non fiebat sue quod dicti abbas et conventus [Sancti Audoeni] scismatice existunt aut quod abbas et conventus loci predicti dictum manerium sive prioratum de dono vel concessione aliquorum progenitorum nostrorum regum Anglie habuerunt seu quod idem manerium sive prioratus parcella foundationis abbacie existit non obstante. Pro Iohanne Doreward. Patent Roll, 2 Henry IV, pt. 3, m. 11.

It will be seen that so far the form of the clause is not settled but depends on the particular circumstances of each grant. In fact no fixed form was used for some time. In order to avoid the discussion of minute technicalities it will be well to skip forty years and proceed without further remark to the twentieth year of Henry VI, by which time the clause has advanced in both form and substance. It occurs at the end of letters patent granting an alien priory in mortmain to the rector and scholars of St. Nicholas, Cambridge, and follows the usual *non obstante* required to take the grant out of the Statute of Mortmain; the clause now runs as follows:

Seu¹ eo quod expressa mentio de vero valore annuo prioratus . . . et ceterorum premissorum seu de aliis donis et concessionibus eisdem Rectori et scholaribus et successoribus per nos ante hec tempora factis facta non existit aut aliqua alia materia sive causa seu aliquibus statutis sive ordinationibus in contrarium factis sive editis non obstante.

In form the details have been cut down to a minimum; in substance the clause has ceased to provide against one statute, and now includes every statute which might render the letters patent invalid. The clause is in fact complete, and the subsequent changes made in it are of very little importance. One thing must be expressly mentioned. For this paper no attempt has been made to collect all the specimens of the clause, nor indeed to print all those that have been collected. Nor has any attempt been made to assign any date to the changes noted. To do so would have meant a very laborious investigation of nearly every grant or gift for a long period; nor would such an inquiry be likely to give any certain information or any conclusions of interest apart

¹ Patent Roll, 20 Henry VI, pt. 4, m. 3.

from a discussion of the circumstances of each particular grant. More than this may be said: in many cases the form of the clause must soon have depended on the particular book of precedents in the possession of the person employed in drafting the petition or the letters patent founded on it. This portion of the paper must therefore be read as a contribution to the history of the clause founded on a few samples taken at random from a very large number; and all its conclusions are subject to the possible errors which such a method involves.

After this admission we may pass to the next stage in the history of the clause, which consists in the curious story known as the Sheriff's Case. A statute of 23 Henry VI, c. vii, provides, as many earlier statutes had provided, that no man should hold the office of sheriff for more than one year, and that any letters patent made of such offices for any longer period shall be void, '*ascun clause ou parole de non obstante en ascun mys ou a mettre en tielx patents destre fait nient obstant.*' Nevertheless, on the patent roll of 14 Edward IV (pt. 2, m. 22) are enrolled letters granting to Henry Percy, earl of Northumberland, the office of sheriff of that county for life with a *non obstante* clause in the usual form, as follows:

eo quod expressa mentio de vero valore premissorum aut de aliis donis sive concessionibus eidem consanguineo nostro per nos preante factis in presentibus mimime facta existit aut aliquo statuto actu ordinacione seu consuetudine in contrarium habita facta aut ordinata non obstante.

The exact effect of a *non obstante* clause applied to a statutory prohibition of a *non obstante* clause is a puzzle at least as difficult as the determination of the veracity of Cretans. Its very existence was sure to attract the attention of lawyers, and soon after the accession of Henry VII

an opportunity for their intervention occurred. On the 12th September 1485 Henry VII appointed Robert Maners to be sheriff of Northumberland. It does not appear that any of those who have discussed this matter know exactly how the matter was brought into court. It seems that the king himself laid it before the judges for their opinion. But it came, in some unknown way, into the Court of Exchequer Chamber before all the judges there met. Of their deliberations nothing seems to remain beyond an obscure report in a year book.¹ It will not be thought an evasion of an obvious duty if in this paper only two pieces of information are extracted from this difficult source. The first of these is that all the judges held that the patent to the earl of Northumberland was good; and that Radcliff, J., opined that the statutes which forbade the sheriff to hold office for more than one year were overridden by the *non obstante* clause, which rested on the king's prerogative, as was done in the matter of the value and in other cases where statutes declare that patents lacking certain things shall be void, which are nevertheless good with a *non obstante*. The second piece of information is that this question had never been raised before, and that the judges and serjeants and the king's attorney agreed to look further into the question, and that there should be a further hearing, at which every one should be free to say what they chose and might set at naught all that had been said on that day. The net result would seem to be that until some one has the luck and energy needed to discover a fuller report of the case, all that can be said is that in point of fact the earl of Northumberland did remain sheriff of Northumberland until his death in 1489, and that it is probable that the

¹ Year Book, 2 Henry VII (printed text), f. 6 B, case 26.

final judgement of the Court of Exchequer did not differ from its unconsidered opinion. This case and the report of it in the year book became, in the words of Sir Robert Alkyns,¹ 'the precedent and leading case to all subsequent opinions'. Only one more point needs noting: the statute of 23 Henry VI, c. vii, is not, *nisi fallor*, mentioned in the report in the year book; it is certainly not discussed.

On the practice of the chancery the proceedings had had no effect whatever. The opinion of the judges in the Sheriff's Case had possibly relieved the anxieties of the professional persons, whether chancery clerks or others, engaged in drafting letters to pass under the great seal. It had assuredly saved the holders of letters patent issued between 1399 and 1487 from the necessity of getting new patents and paying more fees. On the other hand the king and the chancery had missed a chance of collecting some revenue; against which may be set off the fact that the king's prerogative had escaped an awkward attack. Any one who really wishes to understand what happened will have to look at the relations between Henry, earl of Northumberland, and the new king; these may explain why the king thought it worth while to risk the loss of a prerogative right, which never seems to have been attacked before. In point of fact the Sheriff's Case is the first of a series of such cases. With these this paper does not presume to deal. It seems that they all deal, not with grants of lands or liberties or even of rents, but with appointments to offices. It would seem also that they all failed,² though on this point I must insist

¹ The Power of dispensing with Penal Statutes, p. 252 in *Parliamentary and Political Tracts* (2nd edition, 1741). See also Howell's *State Trials*, vol. xi, p. 1200, where it is reprinted.

² Cf. Coke's *Reports*, vol. xii, f. 18, and vol. xi, f. 88.

that I speak doubtfully. But it is quite clear that the clause in the letters patent continued in regular use; in fact it is so much a fixed form that in the enrolments of Tudor and Stuart patents it is frequently only represented by its incipit, the words 'eo quod expressa mentio, &c.', a practice which makes it difficult to discover rapidly any changes which may have occurred in its form. But these changes do not seriously alter it, and there is but little difference between the wording used in the reign of Henry VII and in that of Charles II, as may be seen from the following extract from a patent issued in the latter reign, where the clause runs as follows:

Eo¹ quod expressa mentio de vero valore annuo aut de certitudine premissorum sive eorum alicuius aut de aliis donis seu concessionibus per nos seu per aliquem progenitorum seu predecessorum nostrorum prefato Iohanni Payne ante hec tempora factis in presentibus minime facta existit aut aliquo statuto actu ordinatione provisione proclamatione sive restrictione in contrarium inde ante hec facta edita ordinata sive provisiva aut aliqua alia re causa vel materia quacunque in aliquo non obstante.

There are a few changes in form, but the only one worth noting is the precaution against invalidity that might arise from misdescription. With the history of the introduction of that portion of the clause and with the various forms of it we are not here concerned.

It has been noted already that the question of the king's prerogative had been raised in the law courts on many occasions, and that the chancery had paid no attention to any such attacks. A constitutional issue had in fact been stated, and like all such issues it would have to be settled by some sort of illegal action. The issue may be put shortly: can the king alone overrule the decisions

¹ Exchequer King's Remembrancer. Original Letters Patent, Box 41. Letters patent in favour of John Payne, dated 8 April, 13 Charles II.

of the king in parliament, apart from any power conferred by the latter entity on the former entity in particular cases? The only condition required to produce a constitutional change was that a question should arise of such interest as to demand a decision. Such a decision could not be had by legal action, because the law courts had decided in favour of the power of the king in council. It is not necessary here to describe the question that arose with any minuteness. The history of the attempt made by King James II to overthrow the Test Act is in every text-book. The case of *Godden v. Hales* has been described by Macaulay in his emphatic style; and those who wish for a cooler and completer account of the matter will find one in Hume's account of it. From Hume they may turn to the State Trials and to the contemporary literature on the case, especially to the work of Sir Robert Atkins already referred to in this paper, remembering always that Sir Robert is an antiquarian Whig, who believes that constitutional law has always existed in unalterable form, and will maintain, if needful, 'that¹ the house of commons have ever been a part of the parliament, and that they were long before 49 Henry III'. All that need be said here is that Sir Edward Hales received from James II a commission as colonel, that being a Catholic he neglected to comply with the provisions of the Test Act, that Arthur Godden, his coachman, indicted him for this neglect at the assizes in Rochester and obtained a conviction, and then sued in the court of King's Bench to recover the penalty of £500. The defendant pleaded letters patent of pardon² issued in his favour by the king, and the court held the patent good and dismissed the suit.

¹ *Parliamentary Tracts*, p. 30.

² Patent Roll, 1 James II, pt. 9, No. 4 (3270).

It will be seen that this case, like that of *Thomas v. Sorrel*,¹ lies off the line of this paper. No doubt it might be affirmed that if the king could not by his prerogative set aside one statute, *a fortiori* he could not set aside all acts of parliament; and it is clear that the fact that the clause here under discussion did that very thing was known to the judges who decided *Thomas v. Sorrel* and *Godden v. Hales* and influenced the decision in both cases. But the true point is that no serious objection had ever been taken to the clause in general, whereas very serious objection was taken to the attempt of the crown to set aside the Test Act. The results of that objection are well known. Here it is only needful to quote two brief clauses from 'An act declaring the rights and liberties of the subject and settling the succession of the Crown'.²

They run as follows: 'That the pretended power of suspending of laws or the execution of laws by regal authority without consent of Parliament is illegal; That the pretended power of suspending of laws or the execution of laws by regal authority, as it has been assumed and exercised of late, is illegal.'

If any legislation could kill a clause, our clause should have perished at once. With the fall of the last Catholic king, the stronghold which the Apostolic Chancery had provided for the royal prerogative should have also disappeared. And yet on the Patent Roll of 4 William and Mary there is the enrolment³ of a grant to John Williams, S.T.P., of a prebend in the Cathedral Church of Canterbury, and the enrolment ends with the words 'Eo quod expressa mentio, &c.' The precise effect of such a patent

¹ See Anson, *The Law of the Constitution*, vol. i, p. 327.

² *Statutes of the Realm*, 1 Gul. & Mar., Sess. 2, c. 2, p. 143.

³ Pt. 3, No. 9.

and the interpretation of it are curious questions. A lawyer might say that as it contained no statement of the true value or of previous gifts it was bad under the statute of 1 Henry IV without the *non obstante* clause, and that this clause was bad under the statute of 1 William and Mary. A student deeply read in diplomatic might be led to suggest that the letters patent were spurious, a desperate saying in the year 1692. Critical minds might suggest that the real explanation was to be found in a blunder, or in the fact that the clause had become so mere a formality that no one thought it worth while to trouble to omit it. In support of this last theory it may be noted that at the passing of the clauses in the act of 1 William and Mary it was known that difficulties would arise unless certain acts were repealed. Possibly the act of 1 Henry IV was in the minds of those who saw this necessity; certainly other acts which had to be met by *non obstante* clauses were known to need attention. Nothing, however, was done and the act of 1 Henry IV remained in force, and the presumably illegal clause dispensing with it remained in use. How long its use continued, some inquirer in the future may think it worth while to inquire. All the help that I can give him in his search is the information that the act of 1 Henry IV was repealed in the year A. D. 1887.

C. G. CRUMP.

THE HOUSEHOLD OF THE CHANCERY AND ITS DISINTEGRATION

THE phrase 'hospicium cancellariae', translated as the 'household' or the 'inn' of the chancery, is first met with in the middle of the thirteenth century. We find it recurring with increasing frequency between the reigns of Edward I and those of Edward III and Richard II. In the latter part of the fourteenth century it seems to be gradually changing its meaning, but it remains with us for the rest of the middle ages, and only finally disappeared in the nineteenth century. The object of the present paper is to attempt to ascertain what 'household of the chancery' really meant, and whether there were any fluctuations of its meaning from one period to another. The writer is not certain that he has arrived at results as definite as could be wished for, and for him at least a main result of the inquiry has been to make him doubtful as to some statements regarding the nature of the household of the chancery that he has already published. But the subject is difficult and elusive, and the materials for its study scrappy and incomplete. The student of administrative history is, however, forced to make the best of them, and there is perhaps a peculiar appropriateness in an effort to unravel a problem connected with the English chancery being included in a volume offered to so distinguished a master of chancery lore as the author of the *History of the Papal Chancery down to the Time of Innocent III.*

All medieval administration arose from the household of the prince. The ruler, whether temporal or spiritual,

inevitably entrusted the administration of his dominions and the care of his estates to his household servants. It was natural therefore that the administrators of a chancery should be part of a household. But the chancellor became too great to be a mere domestic officer, and the clerks who served under him became gradually differentiated from the royal clerks at large, until they formed a society acting directly under his orders. As a result of this process, they lost intimate contact with the lord's household and became included in the household of their immediate master, the chancellor. It was a further step when the household of the chancellor became the household of the chancery, when the importance of the office was emphasized rather than the importance of the person ruling over the office. In England, as elsewhere, the particularly close association of the writing and sealing department with the personal needs and wishes of the monarch made the chancery go 'out of court' more slowly and less completely than did the financial department, the exchequer. It was not before the reign of Henry III that the 'clerks of the chapel' become differentiated from the 'clerks of the chancery'. When this decisive step had been taken, it was a short and easy progress to associate them more intimately with the chancellor than with the king. The 'magnate chancellors' of the later Angevin period, who had bought their office for life and exploited it for their own benefit, would not stoop to be mere attendants on the household. They became, or threatened to become, rivals to the throne. In France the remedy for a similar state of things was the suppression of the office of chancellor. In the England of Henry III it was found in the strict subordination of an unimpressive chancellor to the Crown.

The 'profits of the seal' were no longer the perquisites of the chancellor but were paid into the king's household treasury. The baronial leaders of 1258 insisted upon the revival of a powerful chancellor, responsible to the barons as much as to the king. It was doubtless to secure for the chancellor some measure of independence against the Crown that the baronial council in 1260 first devised the 'chancellor's fee'. This was a sum of 400 marks a year, raised later by stages to £500 a year, assigned '*ad sustentacionem cancellarii et clericorum suorum*' or, as it was put later, '*nomine expensarum et robarum suarum et clericorum suorum in comitiua sua in cancellaria commorancium*'. This made the chancellor master of his own clerks, who, while still remaining '*clerici regis*', were first of all '*clerici cancellarie*'.

So well did this system work that Henry III continued the chancellor's fee after his restoration to power. If Edward I revived in favour of his intimate friend, Robert Burnell, the old system which gave the 'profits of the seal' to the chancellor, twenty years' subjection of the chancellor's clerks to Burnell's masterful personality increased both their discipline and corporate feeling. After Burnell's death in 1292, Edward I restored the chancellor's fee and chose as his chancellors chancery clerks who, like John Langton and Hamilton, had been trained under Burnell's own eye. It was only rarely and for short periods, under Edward II and the minority of Edward III, that the chancellor was permitted to farm the issues of the seal for his own benefit. After 1330 the chancellor's fee became permanent and with it was secured the dependence of the chancery staff on the chancellor.

It was during the period of the development of the chancery from a household dignity to a substantially self-

sufficing office of state that the household of the chancery grew up. We first come across the phrase in May 1245 in a mandate to the king's bailiff at Woodstock, directing him to assign two oaks in the grove of Handborough to one Richard, the 'hospes clericorum de cancellaria regis', 'ad emendandum stabulum hospicii eorundem clericorum'.¹ The court was at Woodstock at the time, and the chancery, after the fashion of the time, still attended the court. Before long references to the chancery hospicium became so abundant that it would be useless to give other examples of the phrase.

We are on difficult ground when we ask the question, what does 'hospicium cancellarie' really mean? In the writ of 1245 the sense is plain. A certain 'host' was assigned to lodge and entertain the chancery clerks and their horses, and he needed two oak trees from the neighbouring wood to make the stable for their horses adequate to the clerks' needs. 'Hospicium', therefore, involves first of all lodging, and that is natural enough since 'hospicium' is only a rather grand name for a house. Other early passages show the phrase used in the same sense. Particular attention must be drawn to two remarkable inquests, made by Sir William Beauchamp, steward of Edward I's household, on 3 and 4 July 1293, 'for the livery of the inn of chancery in Canterbury', on the occasion of a royal visit to that city which lasted for the greater part of that July. I quote the words of the Calendar,² remarking only that 'inn' is of course a usual translation of 'hospicium'.

The inn of the Chancellor is at St. Gregory, and the inn of the keeper of the rolls is at the house of the church of the Holy Trinity

¹ C. R. 1242-7, p. 312. The office of its recipient is shown in *ibid.*, p. 513.

² *Cal. Inq. Miscellaneous*, i. 455 (no. 1621).

which is called 'Colton'; all the houses on both sides of the street which extends from the north gate of Canterbury to Beptone, except a house of Stephen le Fithelere, which is of the livery of the King's daughters, are of the livery of the chancery; the inn of the abbot of St. Radegund's and the whole of Brokespol are likewise of the livery of that chancery.

It would require local topographical knowledge to ascertain the precise meaning of this record. For our purpose it is sufficient that it shows that when the king and his court made a considerable stay at an important city, a large number of houses were required to meet the needs of the chancery officials who travelled with him. Moreover, it distinguishes between the separate 'inns' required for the chancellor and the keeper of the rolls of chancery respectively, and the more numerous inns, not always in the same street, for the chancery clerks. Here, then, we have at least several 'hospicia cancellarie' contrasted with the 'hospicium cancellarii' and the 'hospicium custodis'. Yet the chancellor of 1293 was but John Langton, that 'simple clerk of chancery',¹ who in the previous year had been promoted from inside the office to succeed Burnell, who in dignity, if not in policy, carried on the tradition of the magnate chancellors for life which had reached its culmination in Ralph Neville. It is clear, however, that the household of the chancery went on much the same, whatever might happen to be the status of the chancellor. The system, perhaps first developed by Burnell, continued under his successors. The disturbing fact for those who would wish to pin their faith in a single household of the chancery is the fact that in 1293 there were several such households,

¹ 'Tunc clericus simplex de dicta cancellaria'; *Ann. Dunstaple in Annales Monastici*, iii. 373.

even when the chancery was abiding in a place which it infrequently visited.

The Woodstock entry of 1245 does not help to destroy this impression. A short visit to a royal hunting lodge would not involve more than the attendance of a few chancery clerks who might well be contented with the quarters of their host Richard. We find the same state of things seventy years later when an inquest of 1315 speaks of the assignment in the king's manor of Clarendon, a country house resorted to like Woodstock for hunting, of 'one chamber for the chancellor and the clerks of chancery'. Few medieval men expected the luxury of a separate bedroom, and conditions allowed even persons of dignity to sleep in very restricted quarters.

The chancery still followed the court to a considerable extent, and was therefore pretty often on the move. We know from the various household ordinances, notably that of 1318, that great pains were taken to lighten the inconveniences inseparable from a constantly migratory court by assignment of officers called 'harbingers', whose function was to select quarters for the members of the royal household in the various places, mostly small and unimportant, at which it took up its temporary abode. Thus the Ordinance of 1318 provides no less than thirty-nine such harbingers for the various officers of the household, including one for the clerks of the privy seal who were only four or five in number.¹ Unluckily by this date the chancery had so far gone 'out of court' that neither the Ordinance of 1318 nor the earlier Ordinance of 1279² makes any special provision for its accommoda-

¹ See for this my *Place of Reign of Edward II in English History*, pp. 311-12.

² See for this my *Chapters in Administrative History*, ii. 158-63.

tion. Like the great nobles and officers of state, the chancery had to look after itself. It is only occasionally and by accident that we have such glimpses as have been quoted as to what steps were taken for its accommodation.

The Ordinance of 1279 says no word about the chancery because its accommodation was at that time the affair not of the household but of Bishop Burnell the chancellor. But even when the issues of the seal were again restored to the Crown, the revival of the chancellor's fee was meant to enable the chancellor to undertake Burnell's earlier responsibilities in this matter. On 1 January 1293 Chancellor John Langton's fee was increased to £500 because he was assigned 'ad hospicium tenendum *extra curiam regis* pro se et huiusmodi clericis cancellarie'.¹ This was an official recognition that, however much the chancellor and his clerks might follow the court, they were outside the household from the point of view of maintenance.

With the fourteenth century it becomes clearer and clearer that none of the chancellor's fee was set apart for providing his clerks with lodgings. Even in 1293 Langton's fee was 'nomine expensarum et robarum suarum et clericorum suorum cancellarie in comitiua sua existencium'. Both in 1310 and in 1368-9 it was put even more plainly as 'pro expensis clericorum cancellarie ad mensam domini regis existencium et pro robis eorundem'.² The phrase constantly varied in the wardrobe and hanaper accounts, but it is evident that robes and meals were all that the chancellor was expected to provide for that sum. In 1344 £80 of the £500 was

¹ Exch. Accts. 375/8, f. 48, quoted in *Chapters in Mediaeval Administrative History*, ii. 76.

² Hanaper accounts in Exch. Accts. 211/6; *ibid.* 212/12.

earmarked for robes and £420 for the expenses of the chancery table.¹ Other supplementary grants to the chancellor point in the same direction. The king's butler provided him with wine. The keeper of the great wardrobe delivered to him wax and cloth. Writs of aid empowered purveyors of the chancellor to obtain victuals and firewood for his hospicium. But the very fact that the chancellor did his best to obtain supplies from his own property, for instance, from the manors of his bishopric, shows that the whole business was at his personal cost, and that he tried to discharge his obligation as cheaply as possible.

Moreover, it was not for all the chancery clerks that this compulsory provision was made. Such restrictive formulae as 'in comitiua sua' or 'ad mensam regis' suggest that the chancellor's obligation as regards his 'accustomed fee' was limited to the robes and table of certain privileged clerks described as his 'comites'. Already under Edward I we find Fleta speaking of certain dignified clerks of chancery who stand above the others. Such were the 'praeceptores', described as 'collaterales et socii cancellarii', and such, too, were the 'sex clerici praenotarii in officio illo qui cum clericis memoratis familiares regis esse consueverunt et praecipue ad victum et vestitum'.² These, Fleta says, 'omnes pro victu et vestitu de proficuo sigilli . . . debent honeste inueniri'. These two groups were clearly the clerks who, as early as 1323, were described as the twelve clerks 'as robes et a bouche en court'.³ Later they were spoken of as

¹ C. C. R. 1343-6, p. 318.

² Fleta, lib. ii, cap. 13, 'de cancellaria', pp. 75, 77.

³ Conway Davies's *Baronial Opposition to Edward II*, p. 577, prints a writ of privy seal of 1323, addressed to the keepers of the great seal,

'twelve clerks of the robes',¹ or the 'great clerks',² or 'clerks of the first form',³ or the 'clerici regis eiusdem cancellarie commensales',⁴ or the 'clerks of the greater grade, to wit the twelve masters of chancery'.⁵ This latter description, which did not become the usual designation of the higher clerks until the late fifteenth or sixteenth century, occurs as early as 1330 in the parliament roll.⁶ It was strictly limited to the clerks of the first form.⁷ They were sometimes called masters of chancery, because they had clerks serving under them, and not because they were 'masters' in the academic sense of masters or doctors.

Each member of this group was an important personage. Maitland only slightly forces the pace when he speaks of them as 'under-secretaries of state'. Yet even this select body is only provided with clothing and food. None of our authorities say definitely that they were provided with lodging. And, whatever provision may have been made for the inferior clerks, outside this select circle, no consideration of their needs was made in determining the amount or the allocation of the chancellor's fee. The evi-

notifying 'Nous voloms qe nostre cher clerc mestre Johan de Hildesle demoerge en nostre chauncellerie as robes et a bouche en court come un de noz douze clers qe y demoerent'. It was not a new rank, as one Mr. John of Blebury had preceded Hildesle in it.

¹ *C. P. R.* 1348-50, p. 493; cf. *ibid.* 1358-61, pp. 501-2.

² *Ibid.* 1330-4, p. 474. This is as early as 1333.

³ *Ibid.* 1350-4, p. 397, mentions their existence in 1353 and implies it in 1351; *ibid.*, p. 114, where the 'twelve clerks of the second form' are also mentioned. Compare also *ibid.* 1354-8, p. 432.

⁴ Hanaper accounts, Exch. Accts. 213/11 (Waltham's account, 1395-6).

⁵ *C. P. R.* 1374-7, pp. 81-2.

⁶ 'mestres de la chauncellerie'; *Rot. Parl.* ii. 41.

⁷ See, for instances: *C. P. R.* 1374-7, p. 82; *ibid.* 1399-1401, p. 141, and *ibid.* 1477-85, p. 445, 'clerks of the first form called masters of Chancery'.

dence is so strong that we may safely put aside a few indications pointing in a contrary direction. Thus the young Edward III is made in 1328 to express the wish to the keeper of the seal 'quod teneat hospicium pro clericis cancellarie et aliis officiariis eiusdem'.¹ This literally interpreted should include all chancery clerks and also their lay assistants. It is not unlikely that then, as later, the official meals might be accessible to some outside the lucky twelve; but this was of favour rather than of right. It was not in wages and allowances so much as in fees, perquisites, opportunities for promotion in church and state, pensions for old age, and, above all, facilities for acting as counsel, attorneys, agents, and usurers that the chancery clerk's career had its claim to be considered lucrative as well as dignified.

We have seen that 'hospicium cancellarie' means the household of the first-grade clerks only.² There is still evidence that during the fourteenth century these superior officials still lived together in a sort of collegiate life, though we have seen already that the cost of this was not paid for out of the chancellor's fee. Thus in 1367 the keeper of the hanaper was directed to pay £16 to the clerks of the first bench for a barge bought by them for passage to and fro across the Thames to the manor of Lambeth of Simon Langham, archbishop of Canterbury and chancellor, 'where the inn of chancery is now held'.³ Lambeth might be large enough to entertain

¹ *Foedera*, ii. 731.

² In *Chapters of Administrative History*, ii. 218, I go too far in asserting that 'the chancery clerks lived together in a semi-collegiate life'. I have been convinced of this by my pupil, Mr. B. Wilkinson, to whose Ph.D. thesis on 'Some Aspects of the Chancery under Edward III' I owe great obligations in more than one part of this paper.

³ *C. G. R.* 1364-8, p. 335.

a dozen celibate clerks, and was certainly convenient at times when the chancery was established over the water at Westminster. But other episcopal chancellors were less hospitable. Five years earlier William Edington, bishop of Winchester, a prelate only less dignified than the primate, was chancellor, and the bishop's manor in Southwark, close to the water-side, was only a little less accessible for Westminster than was Lambeth. Yet in 1362 the clerks of the first form had a hospicium that was not the same as Winchester House. In that year the clerk of the hanaper was ordered to pay these clerks £10 for the expenses of their barge bringing them from the king's palace of Westminster, where they commonly held their sittings for business of the king and commonwealth, to the lodgings of William, bishop of Winchester, the chancellor, and thence to their own.¹ This makes it clear that the 'hospicium cancellarie' and the 'hospicium cancellarii', coincident in 1367, were different in 1362. The weight of evidence is that separation was the rule, and the combination of the two the exception. The responsibility of keeping the 'hospicium cancellarie' still remained with the chancellor, and it was only exceptionally, notably during a vacancy or during the chancellor's absence in his diocese or abroad, that the keeper of the rolls or some other senior clerk was entrusted to act for him. The substitute consequently received a quota of the chancellor's fee, proportioned to the number of days which he kept the household.

If episcopal chancellors did not always lodge their chief clerks in their own houses, the lay chancellors, who held office from 1340 to 1345 and again from 1371 to 1377, would be less able than a bishop or a 'great

¹ C. C. R. 1360-4, p. 237.

clerk' to provide for such distinguished and exacting inmates. There was no reason why a warrior knight, like Sir Robert Bouchier, or successful lawyers, like Sir Robert Parving, Sir Robert Sadington, Sir Robert Thorp, or Sir John Knyvett, should maintain the large establishment required for such a purpose. Accordingly special provision was made to help them. This was especially the case with Sir Robert Bouchier, who had his 'usual fee' doubled 'in consideration of the heavy charges incident on him for keeping up the household of the chancery'. Of this increased sum £300 was 'beyond the usual fee' and £200 was towards the purveyance of plate and other things necessary for the office.¹ Before long, each of the three lay chancellors undertook the obligation of keeping the household for the chancery clerks. Bouchier did so from a fortnight after his nomination; Parving for the whole of his period of office; and Sadington from the sixth day after he became chancellor.² This may have been one reason why all of them hired for their own use episcopal town houses. Bouchier hired the house of the bishop of Worcester outside the bar of the New Temple, to which house Parving soon moved from his own house in Aldermanbury. Sadington lodged at one time at 'Tottenhale', near St. Giles, and at another in Chester Inn, the house of the bishop of Lichfield in the Strand.

¹ *C. P. R.* 1340-3, p. 84. See also *C. C. R.* 1341-3, pp. 56-7: 'Considering the lesser household which would have sufficed for him, if he were not in that office.' Bouchier had earlier received £100 in land for changing from the service of Hugh Audley, earl of Gloucester, to that of the king; *C. P. R.* 1340-3, p. 75.

² *Ibid.* 1341-3, p. 691; *ibid.* 1343-6, p. 225; *Foedera*, ii. 1151, 1180. It is clear from the former entry in *Foedera* that the keeper of the rolls had another hospicium of his own.

Besides financial difficulties, it may readily be conjectured that knightly chancellors would not find it easy to live with their families in a household of clerks with strong traditions of corporate action and ideals of life very different from those of a soldier or a successful common lawyer. It should, however, be remembered that the personal devotion of all the lay chancellors to the detailed work of their office must in any case have brought them into closer business relations with their clerks than had always been the case with their episcopal predecessors. It may, however, well be argued that the advent of the lay chancellor might have tended towards the further weakness of the household of the chancery. It is after the first lay period that we find a prelate like Edington lodging the clerks in a house demonstrably not the same as his own home.

A tendency to localize the chancery at Westminster became strongly marked during the reign of Edward III. Up to then the notices suggest that the chancery was only officially fixed at the king's palace at Westminster during minorities or royal absences from England. But by 1310 there was already in Westminster Hall a great bench on which the chancellors were wont to sit.¹ By 1345 the recognized 'place of the chancery' was the south-west angle of Westminster Hall 'where the said chancellor commonly sits at the marble table among the clerks of chancery for discharging the duties of his office'.² So early as 1331 measures were taken to secure from sunrise

¹ C. C. R. 1307-13, p. 326; *Foedera*, ii. 110: 'In magna aula Westmonasterii ad magnum bancum ubi cancellarii ipsius regis sedere consueverunt.'

² *Foedera*, iii. 53, 62. Compare Stow, *Survey of London*, ii. 118, ed. Kingsford.

to sunset free access for clerks of chancery through the New Temple to the river whence they might take boat to Westminster.¹ After 1337, when the court returned from a long stay in the north, there was no long period during which the chancery was absent from Westminster. There were still constant short migrations for the whole of the fourteenth century and even later. Yet we may safely say that from the latter half of Edward III's reign Westminster was the normal 'placea cancellarie'. Under Richard II, when in 1393 the chancery returned to Westminster after a sojourn at York, it was spared the noise and inconvenience of working in one corner of Westminster Hall while the two benches were sitting at other corners of the same building. It was now assigned a 'place newly appointed in the white hall of Westminster for the office and session of the chancellor and the clerks of chancery', while another 'place' was assigned to the hanaper, thus revealed as a separate subordinate department.²

The clerks of the chancery had to live near their work, and it followed therefore that they must have quarters in or near Westminster. Westminster itself was not, however, much of a residential district, and the 'western suburb of London' was the nearest convenient abiding place for the officers of chancery as well as for the other officials of the court and pleaders before the benches. This 'suburb' was the district outside the western wall of the city which became the ward of Farringdon Without. When circumstances made it good business for the chancery clerks to have homes of their own, these were

¹ *Foedera*, ii. 805.

² *G. P. R.* 1392-6, p. 55. The chancery was soon restored to Westminster Hall, for in 1466-7 the hanaper paid sums 'pro emendacione cancellarie in aula Westmonasterii'; *Exch. Accts.* 217/3.

almost entirely sought on the western side of the city between the bars of the New and the Old Temple, that is, Temple Bar and Holborn Bar, and Ludgate and Newgate. It is here that the 'hospicium cancellarie' must now be sought. But we no longer find a single hospicium but rather various 'hospicia' frequented by different groups of chancery clerks. We have seen already that there was special provision for clerks of the first form. Now, however, the unity of residence, even for the dignified clerks of the robes, was beginning to break up. We have also to record the occasional indications of provision being made for the less dignified members of the staff. We have also to note the increasing accentuation of the differences of status between the various groups of chancery clerks and how the splitting up of the chancery into various semi-autonomous sub-departments tended still further to emphasize these differences. All these processes overlapped, and it is difficult to dissect out each of them separately. But all were working together to bring about a common result, and by the days of Richard II and the early Lancastrians the process of disintegration was far advanced.

For the purposes of such an inquiry it is unfortunate that there are no surviving ordinances or regulations treating of the chancery as a whole until we get to a date at which the disintegration had gone very far. The historian of the chancery would give a great deal for documents corresponding to the Household Ordinances of 1279 and 1318 or to the Reforming Ordinances of the Exchequer that marked the later years of the reign of Edward II. In this respect the records of the English chancery are much less complete than those of the papal or the French chanceries, the two secretarial bodies which

compete with it as regards the importance of their operations. We are fortunate, however, in still possessing in a somewhat dubious and mutilated form documents of later date which at least tell us the detailed order of the chancery towards the close of the fourteenth or the beginning of the fifteenth century. These are the well-known ' *Ordinaciones cancellarie domini regis facte anno duodecimo regni regis Ricardi secundi* ' which, since 1845, have been accessible in print in G. W. Sanders's *Orders of the High Court of Chancery*, i. 1-7a. In close connexion with it stands the ' *Renovacio ordinum cancellarie cum novis addicionibus et reformationibus eorundem* ', assigned to the reign of Henry V and printed by Sanders (*ibid.*, pp. 7b-7d).

These documents only survive in late transcripts, such as Hargrave MSS. no. 189, p. 80, and no. 219, p. 277. But internal evidence confirms their substantial authenticity, and so early as 1622 they were quoted as authoritative. Unluckily it is clear that the so-called ' Ordinance of 12 Richard II ' cannot in its present form be assigned to an earlier date than the reign of Henry V, for it mentions by name various chancery clerks whom we know to have been in office during the latter reign and were certainly not there in 1388-9. The decisive test is the statement that ' Henry Raye ', one of the clerks of the first form, was then clerk of the hanaper. The name, like some others contained in the document, is misspelt in the very inaccurate transcript on which we rely, but we know that Henry Kays, the real person referred to, was appointed clerk of the hanaper on 18 August 1410, and that he died in office on 17 August 1426.¹ There is every reason, then, for accepting the

¹ *G. P. R.* 1408-13, p. 208; *ibid.* 1422-9, p. 379.

attribution to the reign of Henry V. The document, definitely assigned to Henry V, only slightly modifies the former order, and may well have been the occasion of a new redaction of the order assigned to 1388. Before the invention of printing every copy of a document was in effect a new edition of it, and there was an irresistible temptation to the intelligent copyist to bring his document up to date rather than set down statements which he knew to be obsolete. This would be particularly the case in a record kept in the office for practical use and therefore necessarily revised from time to time as personalities changed and usages altered. We may therefore accept the attribution of the early order to 1388.

The twelfth year of Richard II runs from 22 June 1388 to 21 June 1389. It therefore covers the period immediately succeeding the triumph of the Lords Appellant in the Merciless Parliament, which sat from 3 February to 4 June 1388. The year also included the change of ministers on 3 May 1389 when Richard declared himself of age, assumed the government, and broke the ascendancy of the ruling confederacy. We are strongly tempted to believe that it belongs to the earlier rather than the latter part of that year, and to recognize in it an attempt of the baronial chancellor, Thomas Arundel, bishop of Ely, who went out of office on 3 May to meet some of the complaints against the methods of the chancery which we find among the petitions of the early parliaments of Richard II. Thus the parliament of 1381 petitioned for a competent chancellor who should examine the state of the chancery and expel corrupt members. Let us hear the complaint against the chancery clerks.

Q'ils sont pur le plus graunde partie trop graas si bien en corps come en burse, et trop bien furrez, et lours benefices mal giez, par

grevous oppressions faitz et par eux usez vers le poeple, par colour de lour office.¹

This petition received a gracious answer.

Et de la chauncellerie, si defaute y serra trovez en lour governail, le chaunceller ad dit q'il le fera amender a tout son poair et sanz delay.²

The revival of the court party soon dashed these hopes to the ground. But the complaints were reiterated in 1388 and the king was constrained to accept the Commons' petition that chancellor, treasurer, and keeper of the privy seal should 'survey' the chancery with the view of removing 'insufficient officers', and putting 'sufficient persons' in their place.³ There is no positive record whether this was actually done, but I am inclined to believe that the Ordinance we have before us was the result of Chancellor Arundel's attempt at a conservative reformation. It is apiece with this that the ordinance should be a codification of existing usage rather than a radical revolution.

The details of the ordinance show an organized chancery, such as is suggested by the scattered references to the office in the chancery rolls of Edward III and his grandson. A sternly hierarchical system separates the various groups of clerks from each other. There are the three chief grades—the clerks of the first and second forms, and the cursitors. But the clerks of the first form, and even those of the second form, have their subordinate clerks who write under their direction and in their names. There are also the lay officers, the spigurnel, the chaufcire, the portejoie, and their like, who are for most purposes quite outside the picture. Even within the

¹ *Rot. Parl.* iii. 101.

² *Ibid.*, p. 103.

³ *Ibid.*, p. 250.

various grades emphasis is laid upon differences in rank. Each clerk of the robes is a dignified personage, whose pompous splendour recalls the Commons picture of them as 'too fat in body and in purse', furred up to the chin, well endowed with benefices, and provided with ample opportunity for illicit gains. Yet there are distinctions even among these. The keeper of the rolls of chancery, with no less than six clerks under him, is the second in command, 'unus et primus'. Only less important are the two other clerks, called preceptors, associated with him in the folding of writs for sealing. In the second bench there are divisions of the same sort, and between the two benches stands the clerk of the hanaper, the head of an autonomous department, who, though normally a clerk of the second form, may have exceptional treatment, if he happens to be a clerk of the robes and, on the ground of his knowledge of the ancient course of the chancery, permitted by the chancellor to write writs and submit them to him for sealing.¹ There are special privileges also in favour of the two clerks of the Crown and the clerk of the petty bag, who are allowed two subordinate clerks apiece instead of the normal one. Even the twenty-four cursistae, who wrote 'writs of course', are allowed their modest privileges, though, unlike their seniors, they are not allowed to act as attorneys. When incapacitated by old age or sickness, they were allowed to have a 'sufficient unmarried clerk' to write for the seal under their names. One great immunity was extended to every group of chancery officer and even to their servants. This was exemption from the jurisdiction of the ordinary law courts

¹ Sanders, i. 3. This clause must be an interpolation of Henry V's time in favour of Henry Kays, both clerk of the hanaper and of the first form.

and the enjoyment of a special 'administrative justice' at the hands of the chancellor himself. Stern penalties forbade to clerks of all grades illicit gains, matrimony, and other unprofessional practices. All breaches of the ordinances involved expulsion from the chancery. Thus the whole office, about a hundred strong, formed a single privileged corporation, so favoured that it was reasonable to use severity to maintain its discipline.

Our particular concern is not, however, the more general relations of the chancery clerks but their 'hospicia'. On this subject the two ordinances printed in Sanders throws a clear if sometimes a rather broken light. There is nothing said in them about the ancient 'hospicium cancellarie', maintained out of the chancellor's fee. Its existence is involved in a clause prescribing that clerks of the first two forms shall keep the order in which they are entered on the roll 'in liberacionibus hospiciorum ad parlamenta et consilia eciam de sessionibus suis in mensa infra curiam ac in curia cum apud Westmonasterium vel alibi fuerit'. This shows clearly that at head-quarters there survived nothing of the hospicium, save the liveries of robes and the provision of a common table to which clerks of the second as well as of the first form had access. But when the clerks were needed to follow parliaments or councils, then quarters were provided for them at the place where these assemblies met, just as Edward I's steward provided quarters for the chancery clerks at Canterbury. And we must not forget that in those days neither parliaments nor councils were necessarily held at Westminster, though the majority did meet within the royal palace there. There are numerous other regulations as to 'hospicia', but all these presuppose them to be permanent establishments in London.

The provisions in the ordinances as to 'hospicia' suggest a segregation of the clerks according to their different ranks, though minute investigation shows that exclusiveness was not so great as it appears at first sight. Thus the clerks of the robes are instructed to live 'in hospiciis propriis seu saltem conductis, insimul per se vel divisim'. This suggests that they can at their discretion either live together in one hospicium or that they can live separately or in groups, whether they own the houses they occupy or simply rent them. The great thing is, however, that they are not subordinated in their social or domestic relations to clerks of inferior degree: 'et non inter alios minoris gradus vel status hospitentur et conversentur propter honestatem honoris et gradus eorundem.' The phrasing of the ordinance is obscure. At first sight this looks as if it would be social degradation for clerks of different grades to live in the same quarters. But other passages make it clear that a clerk of lesser degree might lodge in a hospicium kept by a clerk of the first form, and that even the dignified hospicium of the keeper of the rolls was not forbidden to him. One point is, however, definite. No clerks were expected to live in the 'hospicium cancellarii', which indeed they were forbidden to approach save subject to rigid regulations as to their motive in visiting it. It is also clear that a first-grade clerk might keep a 'hospicium' for himself or for some of his colleagues or subordinates. It looks as if each 'hospicium' was either a sort of club, run by a community of persons of equal status, or that it was kept by a principal to whom the other inmates stood in a subordinate relation. Every such 'principalis' must be unmarried and entitled 'to write in his own name', that is, must be normally a clerk of the first bench. However, clerks of

the second form, not lodging with a clerk of the robes, were allowed to dwell with clerks of their own form, though not under clerks of inferior degree. To secure the observance of these rules two or more clerks of the robes were assigned to supervise the 'hospicia' and see that the ordinances were strictly observed. One piece of absolute exclusiveness is embodied in a general clause on the residence of clerks and cursitors. It provides that cursitors 'et omnes alii clerici qui dicte cancellarie propter doctrinam et scripturam adherere voluerint, extra hospicium prefati custodis rotulorum vel alicuius clerici de prima vel secunda forma commorantes, uno vel diversis hospiciis honestis ad invicem morentur; et non inter apprenticios legis, attornatos aut alios extraneos; nec habeant inter se commorantes attornatos aut clericos aliarum placearum, seu alios quoscumque formam, modum et actum eiusdem cancellarie minime exercentes, sub pena expulsionis a cancellaria predicta ac privilegio et libertate eiusdem.'

Various problems are raised by this interesting passage. It shows that, besides chancery clerks proper, there were other clerks who wished to join the chancery for instruction or for writing. The 'scriptura' was sought clearly by the subordinate clerks, or substitutes, who learnt their business by copying out common forms of writs, but 'doctrina' can only suggest some provision for the education of aspirants to the chancery in the special knowledge of their profession. We shall revert to this later on. The passage suggests also that the cursitors might mutually establish 'honest lodgings' among themselves. But wherever they dwelt, chancery officers were to dwell apart from the common herd, and thus preserve intact corporate feeling and class consciousness. We shall again

have to refer to this clause, but we must note in passing this absolute refusal to allow chancery clerks to consort with students of the common law or barristers, with attorneys or other 'foreigners', or with clerks of other offices, in short, any one else outside the sacred profession. This had not always been the case, for in 1375 the clerks of the chancery and the 'apprentices of the king's court' used to have their 'common sport' together in Fickett's field, hard by the bishop of Chichester's house in Chancery Lane. We are told, too, how an unpopular person, Roger Leget, 'privily put engines of iron called caltrappes upon a certain dyke in that field, to the intent that those coming upon the dyke should be maimed or grievously hurt'. The young sportsmen discovered the malice of Roger and procured his trial before the Council, and a term of imprisonment only terminated by a fine.¹ Six years later Roger came to a bad end in the Peasants' Revolt. He had not therefore the satisfaction of learning that, within a few years, intercourse between chancery officials and common lawyers was officially condemned. What the chancery then desired was secured, during the next two centuries, by the exclusiveness of the common lawyers. But by that time chancery clerks had ceased to be clerks at all.

A few examples of the disintegration of the corporate life of the chancery, suggested by the ordinances of 12 Richard II, may suggest some reasons for what was happening. The oldest and best-known example of a sectional 'hospicium' is that of the 'hospicium' of the keeper of the rolls. We have already seen that this existed in the reign of Edward I. We can trace its history in considerable detail all through the fourteenth century. Some-

¹ *C. C. R.* 1374-7, pp. 210-11.

thing like permanent quarters were provided for it when in 1307 Adam Osgodby, keeper of the rolls since 1295, was also made keeper of the House of Converts in Chancery Lane, a building which, after the expulsion of the Jews in 1290, was seldom fully occupied by its destined inmates. The result was that Osgodby established the official 'hospicium custodis rotulorum' in the Domus Conversorum. We learn from the complaints of the aggrieved chaplains of the converts that Osgodby kept both the converts and their spiritual advisers out of their own house in order to harbour his chancery clerks within it.¹

In the next generation the keepership of the rolls was again separated from that of the converts, and we are mainly left to conjecture as to where the 'hospicium custodis' was located. Thus David Wooler, keeper of the rolls from 1345 to 1371, was never keeper of the converts. It seems very likely that he used as his hospicium the adjacent premises of Clifford's Inn, whose custody, already rented during a minority of the proprietor to the apprentices of the bench, was, soon after his appointment to the rolls, granted to him. Curiously enough Wooler entered into a close business alliance with Henry Ingelby, a sometime clerk of the privy seal, who at that time kept the House of Converts. The pair, along with other chancery clerks, formed a sort of money-lending syndicate which did a thriving business at usurious rates of interest, the records of which can be found in scores of recognizances of debt on the close rolls of the period 1345-74, and especially of the years 1354-68. On the death of Wooler and Ingelby, William Burstall succeeded them to their respective keeperships. He repaired the derelict buildings of the House of Converts at his own expense and had his

¹ *C. G. R.* 1313-18, pp. 228-9; *Foedera*, ii. 620.

reward in the permanent union of the two offices in 1377.¹ Henceforth the House of the Converts became the permanent 'hospicium custodis rotulorum cancellarie'. When modern legislation made the keeper of the rolls of chancery the official custodian of all the central records of the Crown, the sometime home of the keeper became the Public Record Office.

There are many cases analogous to the grant of Clement's Inn to David Wooler. An early one is the grant in 1338 to two chancery clerks, Thomas Cottingham and Robert Kelsey, of the messuage in the parish of St. Andrews, Holborn, which had been forfeited to the Crown by John Travers, late Constable of Bordeaux, by reason of his debts to the state incurred in that office.² Again in 1378 Robert Muskham, a first-form chancery clerk, took a long lease from the bishop of Ely of a house west of Clifford's Inn and the Domus Conversorum, occupying the angle between Chancery Lane and Fleet Street. On Muskham's death his executors surrendered the lease to the bishop.³ The house was soon relet to another chancery clerk, John Scarle, who in 1399, after a fashion that recalls the days of Edward I, rose to be chancellor. Later it became 'Farringdon's Inn' because another chancery clerk of that name rented it. Again in the following century another clerk, Nicholas Wymbysh, held a house in Chancery Lane which in 1454 he was licensed to alienate in mortmain.⁴ At a later date this house seems to have become the office of the 'six clerks' of the keeper of the rolls. But I can find no evidence of continuity be-

¹ *C. P. R.* 1374-7, p. 451.

² *C. Fine Rolls*, 1337-47, pp. 92-3. Dugdale, *Origines Juridiciales*, p. 143, badly misquotes this writ. See for this later, pp. 78-79.

³ *C. P. R.* 1381-5, p. 231.

⁴ *Ibid.* 1452-61, pp. 152-3.

tween this and the earlier tenancy of an individual clerk. It would be unprofitable, though easy, to add to this list. The examples given show that leading chancery clerks had homes of their own, and that these were generally located in the western 'suburb of London'. As the area there was restricted, it was natural that the same premises should be occupied in different generations by different chancery clerks. Such accidents do not prove continuity of occupation.

The increasing number of specialized and semi-autonomous departments of the chancery afforded another reason for the grouping of its clerks into different lodgings. We have seen how the hospicium of the rolls department was separate from the normal quarters of the first form. The second form also included specialized subdepartments of which the chief were the hanaper and the office of the clerks of the Crown. The hanaper had already under Edward III an office of its own and may well have had its own hospicia. How differently it envisaged departmental matters from the parent office can be easily seen by its using an entirely different classification of writs from that familiar to ordinary students of chancery history and practice. If we turn over any fourteenth- or fifteenth-century hanaper account, we shall see that it classified writs simply from the point of view of the fees payable in respect to them. There were 'charters of the great fee', each costing £7 11s. 8d., and charters of the lesser fee, 16s. 4d., to say nothing of other cheaper writs. Though the number of the great-fee charters became restricted, the small-fee class remained very numerous, though year by year the charter roll becomes more and more restricted in its dimensions. Thus, for instance, fees were paid for 34 great and 365

small-fee charters in 10 Edward III, a year in which the Charter Roll only enrols 62 'charters'.¹ Clearly 'charter' meant one thing at the hanaper, and something else with the enrolling officers. In the times and places for transacting business the hanaper also had rules of its own.

The office of the clerks of the Crown presents even more remarkable deviations from normal chancery methods. We first hear of such a department under Edward II, but the first clerk of the Crown of whom we have full knowledge is John Tamworth. Already in 1344 Tamworth had 'done long service in chancery attending to the business of the Crown',² and in 1350 received a grant for his 'long and unwearied labours'.³ This patent records a special consideration for the grant in the following terms:

Considerantes . . . et eciam expensas grandes quas ipse pro sustentacione quorundam clericorum pro dicto officio in dicta cancellaria faciendo hactenus apposuit, et ipsum quousque quis predictorum clericorum ad desseruendum nobis et populo nostro in eodem officio in eadem cancellaria nostra habilis fuerit apponere oportebit.

These terms are repeated with a significant variation in a writ close, sent nearly three weeks later to Richard Thoresby, keeper of the hanaper.

¹ Exch. Accts., 211/19; *G. Ch. R.* iv. 352-88.

² *C. P. R.* 1343-5, p. 212. He was a second-form clerk in 1344: *ibid.*, p. 350. Compare *ibid.* 1348-50, p. 470, and *G. G. R.* 1349-54, p. 173.

³ *Ibid.* 1348-50, p. 470. Patent Roll, no. 230, m. 33. I am indebted to Mr. Pretor W. Chandler for a transcript of this and other relevant passages from the chancery rolls. I must also thank Mr. Chandler for much other kindly help in preparing this paper. As a present master of the supreme court, he represents to the changed world of to-day the chancery clerk of the middle ages.

Considerantes magnas expensas quas dilectus clericus noster, Iohannes de Tamworth, clericus cancellarie nostre predicte, pro sustentacione clericorum in officio predicto a tempore cessionis ultime pestilencie mortalis deseruientium apposuit, et volentes eo pretextu ipsum de expensis illis remunerare.¹

Strictly interpreted these phrases only involve the suggestion of Tamworth being occupied in training the limited number of clerks needed for the Crown office during the temporary emergency occasioned by the Black Death. But such excessive specialization seems repugnant to the medieval mind, and it is easier to believe that he was keeping a school for would-be chancery clerks whom he had to support until fit to enter upon their work. But the special emergency produced permanent results. In 1353 and subsequent years Tamworth made large purchases of house property, notably in the Holborn end of Chancery Lane, deeds of which are still extant.² It is significant that his acquisitions in 1368 included New Inn in Chancery Lane, at which Sir Thomas More began his legal studies more than a century later. But Tamworth by this time had entered the dubious class of the 'clericus uxoratus', and as his widow promptly disposed

¹ Close Roll, no. 187, m. 15; *C. C. R.* 1349-54, p. 173. Subsequent mandates to the hanaper, which continue irregularly in the close roll up to 1355, speak simply of Tamworth's good service. Their cessation may only suggest that the payment had become a matter of routine and that further reminders were not necessary.

² The extant deeds are: (a) for a messuage in Chancery Lane; (b) for cottages and gardens in Holborn and cottages in Fetter Lane; (c) 1368, a grant to Tamworth and Alice his wife [up to now it had been J. Tamworth, clerk] of New Inn, Chancery Lane, and many cottages and a messuage; (d) 1377, Alice Tamworth's deed of sale of the property in (c). Tamworth's will, made in 1373 and proved in 1375, is given in *Cal. Wills Proved in Court of Husting*, ii. 167. It shows he still held a good deal of property which went to his widow and children.

of the property within two years of his death, the case for continuity breaks down as signally as in the case of Clifford's Inn. The later history of neither of these two houses as an 'inn of chancery' has been proved to be continuous with what we have told about their earlier relations with chancery clerks.

There is, however, clear evidence of continuity of Tamworth's teaching work into the next generation. We find the next clerk of the Crown, Geoffrey Martin, carrying on his work, though probably in different premises. On 1 January 1376 Martin was granted £2 a year from the hanaper :¹

Per consideracionem expensarum quas ipse super sustentacione certorum clericorum pro eodem officio in cancellaria nostra predicta fecit et in posterum facere oportebit, quousque aliquis eorundem clericorum habilis fuerit ad deseruiendum nobis et populo nostro in eodem officio in cancellaria nostra predicta. . . .

This grant was to be received :

Eodem modo quo Iohannes de Tamuorth jam defunctus, nuper clericus corone in cancellaria nostra predicta, ex concessione nostra sibi similiter dum vixit facta, percepit.

Under Richard II, Martin's patent profited him little. In 1384 his pension was in arrears from the date of the grant.² But we have found no evidence that he continued to maintain aspirants to the service of the chancery in

¹ Patent Roll, no. 293, m. 5 ; *C. P. R.* 1374-7, p. 209. It was confirmed in 1378 because Martin was 'retained to stay with the King', *ibid.* 1377-81, p. 104. His general activity, far outside the routine of Chancery, may explain why he had a colleague in James Billingford. As clerk of the Crown he had much to do in Parliament, notably as reading the appeal against the favourites in the Merciless Parliament of 1388. There his labours were so heavy that he was granted additional aid at the request of the Lords Appellant ; *Rot. Parl.* iii. 245.

² *C. C. R.* 1381-5, p. 490.

his house, or that any of his successors enjoyed similar responsibilities. Yet its continuance is far from impossible, for as late as 1554 we are told by the 'chief of the six clerks' that the clerks of the Crown, the six clerks, and the clerks of the petty bag were never stinted to 'any number of clerks for two causes'. One of these two causes was 'in consideration of the bringing up of youth'.¹ It is likely, then, that not only the clerk of the Crown but the six clerks of the hanaper and the clerks of the petty bag still had the duty imposed upon them of training up clerks in their respective departments.

What were the methods of such a school? We have no certain knowledge, but cannot doubt but that it involved some sort of apprenticeship system, such as was the only method of instruction followed in the middle ages. And the gathering together of young apprentices to learn their craft at the feet of masters of the art involved naturally some sort of hostel system, the hostels being presided over by a 'principal' of recognized authority. Thus the sectional '*hospicia cancellarie*' became naturally schools for aspirants to the office of a chancery clerk. It seems likely that this was the normal avenue to a life-long career in the chancery branch of the administrative service. A few doctors of laws, persons of assured eminence and university training, might be brought in at the top from the outside, as was particularly the case with the 'notaries of the chancery', two of whom are recognized in Henry V's reforming ordinance, one being assigned to the chancellor and the other to the keeper of the rolls. But these eminent persons were always somewhat outside the ordinary system, living apart, for instance, in their own houses, though compelled to be in

¹ Sanders, i. 11.

attendance on chancellor and keeper as early as eight o'clock in the morning.¹ The normal chancery clerk was seldom a master or a doctor, and owed his education to what he had learnt in the office when working under his 'master', and was well prepared if he had acquired the rudiments of his craft in a school like that of Tamworth and Martin.

The essential part of the training of a chancery clerk was a drilling in the knowledge of writs, and a knowledge of writs was equally the basis of the education of the common lawyer. This was the great point of contact between the administrative career of the chancery and the juristic profession of the practitioner of the common law. The hospicia cancellarie taught the practical science of writs, and students of law, who had no wish to be clerks of chancery, might well begin their technical education at the same point as that of the chancery clerk. When a thing is formally and repeatedly forbidden, it is good evidence that many people wished to do it. The ordinances of chancery would not have forbidden apprentices of the common law and attorneys from frequenting the inns of chancery, if such persons had not already found it their interest to attend them. Subsequent history shows that the prohibition was ineffective. Instead of

¹ See, for their duties, Sanders, i. 7c. By the fifteenth century the notaries were in effect registrars of the chancery as a law court. The great notaries of the fourteenth century were primarily diplomatists, engaged on diplomatic missions and on drafting treaties in 'public form'. The notary, or protonotary, was a recognized chancery officer under Richard I and John. The great time for chancery notaries was the fourteenth century, when men like John of Caen and John Bush under Edward I and John Thoresby under Edward III were conspicuous as notaries of the chancery. They were normally doctors and academically trained in civil or canon law.

the apprentices and attorneys being kept out of the 'inns of chancery', they gradually drove out the chancery clerks. Within two generations of the inhibitory ordinance of Henry V we find the exiled Lancastrian judge, Sir John Fortescue, describing as *hospicia cancellarie* institutions which apparently had nothing to do with the chancery at all. Fortescue's famous book *De Laudibus Legum Angliae* expounds the system of legal education which prevailed in England before 1464, when he was driven from the country. He speaks of the public schools of law in London, where the study of the common law, disregarded in our universities, is carried on in the convenient quiet society of the suburb, with such success that many men of family send their sons there to form their manners and to preserve them from vice. In these great schools of law Fortescue distinguishes between the 'hospicia majora' or inns of court and the 'hospicia minora' or inns of chancery.¹ He regards the latter as preliminary schools whose students are mostly young men studying the nature of original and judicial writs 'which are the very first principles of the law'. But when they become proficient therein, they are taken into the greater hostels called inns of court, where not only law, but singing, dancing, music, and, on feast days, sacred and profane history are taught. We have here no concern with the inns of court, and almost as little with inns of chancery in their later role as preparatory schools of the common law. There were, says Fortescue, some ten such 'hospicia cancellarie', but unfortunately he does

¹ *De Laudibus Legum Angliae*, ch. 49. The authenticity of this famous chapter has been impugned, notably in Pulling's *Order of the Coif*. But I have found the passage in such manuscripts as I have examined much as it stands in the printed texts.

not give us their names. The sixteenth century supplies us with ample evidence of their names and functions; but it is clear, both from Fortescue and writers of a later age, such as Stow, Coke, Buck, and Dugdale, that the inns of chancery which they knew had nothing to do with the chancery in the medieval sense. These 'inns' were no longer the abode of chancery clerks or training grounds for the future administrators of the chancery. They were simply preparatory schools for practitioners of the common law. Yet it is clear that in one or two cases at least the 'inns of chancery' in this more modern sense were carried on in premises identical with those of the 'hospicia' of chancery clerks in the middle ages. It is true that the majority of attempts to prove continuity between the medieval and the modern inns of chancery have been unsuccessful. Some of the most plausible suggest nothing more than probabilities; some others are demonstrably false. But it is clear that knowledge of writs was the point in common between the two. The common lawyers, despite all prohibitions, insisted on frequenting houses where they could learn what they wanted. This is the only connexion save the common name that binds together the 'inns of chancery' in the two senses. Dugdale with his usual perspicacity gets at the real point when he says 'the reason why they were called inns of chancery seemeth to have been . . . because they were anciently hospicia for the clerks of the chancery'.¹ Unfortunately the instance he gives to prove his contention is perhaps the most inconclusive of all the efforts made to bridge over the gap between inns of chancery in these two fundamentally different senses.

Dugdale's instance is that of Thavies Inn in Holborn,

¹ *Origines Juridicales*, p. 143.

of which he gives two accounts. In the one he with some hesitation traces back its origin to the grant of 1338 to two chancery clerks of the messuage of John Travers, already referred to.¹ In the other² he seems to adopt a hazardous guess of Sir Edward Coke, who ascribes its origin to one John Tavy, who, in a will proved in the Hustings Court in 1349, bequeathed certain premises in which apprentices were wont to dwell to his wife Alice for her life, after whose death they were to be sold to endow a chantry. Now Tavy is obviously not identical with Travers, a perfectly well-known public personage who died a dozen years before. The transcript of the will supplied to Coke was either scandalously careless or deliberately fraudulent. It doubtless did not lose in plausibility in the hands of Sir George Buck who, on the basis of the Hustings record, 'whereof my lord Coke shewed me the transcript', claimed it roundly as the 'oldest inn of chancery'.³ It was a small matter to misread 'armurer' as 'armiger'; it was more vital to substitute 'apprenticii ad legem' for the 'apprenticii' of the original text, the latter suggesting that the house afforded lodging for the armourer's apprentices, and the former for common lawyers, called to the bar. This reading is not only false but gives no help to explain the process

¹ See above, p. 70.

² *Orig. Jurid.*, p. 271. Miss Broome kindly transcribed for me the enrolment of Tavy's will in Court of Hustings, London, Roll 77, no. 242. There is no doubt about the matter. The text is printed accurately in Baidon's *Records of Lincoln's Inn*, p. 287, correctly summarized in *Cal. Wills proved in Court of Hustings*, i. 618-19, and adequately expounded by Mr. Herman Cohen in his 'Origins of the English Bar' in the *Law Quarterly*, xxxvi. 274-91.

³ See Buck's 'Third University of England', published in 1615 as an appendix to Howe's posthumous edition of Stow's *Annals*. See also Coke's *Reports*, vol. x, in proœmio.

by which Thavies Inn became an 'inn of chancery' from which apprentices at law were excluded. There is also the minor difficulty that a grant for life to a widow can hardly be the basis of a permanent 'inn of chancery'. It is the worst of the many attempts to bridge over the chasm of silence as to the process by which chancery clerks' lodgings in the fourteenth century became preparatory schools for common lawyers less than a century later.

The most plausible case for continuity is that of Clifford's Inn, whose recent dissolution and sale were preceded by a judgement in the chancery division¹ and by a review of its history by an eminent London antiquary. I have already suggested that there is absolutely no evidence that there was any connexion with Clifford's Inn and the chancery before the grant to David Wooler, and that we know of no renewal of that connexion before the sixteenth century. We may as an act of faith believe what has been maintained from the days of Dugdale to those of Lord Cozens Hardy that it has 'continued to be a mansion for the lawyers and called an inn of chancery'. And it is as likely as not—though we have no evidence—that Clifford's Inn was one of Fortescue's ten 'inns of chancery' in 1464. The painful truth is that in all these cases zealous lawyers, eager to demonstrate the antiquity of any society with which they have been connected, followed their habit of reading the conditions of their

¹ *Law Reports, Chanc. Div.*, 1900, ii. 511–23. This decision was affirmed on appeal by the then Master of the Rolls, *ibid.* 1902, i. 774–83. Unluckily for historians the conveyance of 1618 on which the judgement was based was so precise that there was no need for inquiry into the earlier history of the inn. This omission has been supplied by Mr. William Page's account of the inn on pp. 15–23 of the *Particulars and Conditions of Sale of Clifford's Inn*, preliminary to an attempted sale by auction in 1921.

own age into a period in which things were very differently circumstanced. No light of importance is shed by such efforts on the dissolution of the household of chancery. Nearly all the efforts of legal historians until quite recent times have been vitiated because of the implicit assumption that the administrative chancery of the middle ages was the modern judicial 'court of chancery', dispensing the peculiar sort of law called equity.

There were other reasons for the complete disintegration of the household of chancery which here can only be briefly indicated. From an early date there were the close family connexions which made even a society of celibate clerks hand on its traditions from uncle to nephew if not from father to son. There was in the first half of the fourteenth century the great family group of the Stratfords. But a stronger family connexion was that springing from the following of Archbishop Melton of York. One of his clerks was John Thoresby, who rose from a simple clerkship in chancery to be chancellor and archbishop of York. When still keeper of the chancery rolls, Thoresby procured for his brother Richard the clerkship of the hanaper. That office was passed on to two brothers in succession, Richard and John Ravenser, the Thoresbys' connexions by marriage, and from the Ravensers to their nephew, William Waltham, brother of John Waltham, keeper of the rolls and bishop of Salisbury. Thus the hanaper was kept for at least sixty years by members of the same family. The papal curia was not the only abode of clerical nepotism. And nepotism in the chancery was made easy since the senior clerks claimed, and were allowed, the right to advise and direct the chancellor, notably in such matters as the promotion of clerks.¹

¹ Sanders, i. 7a: 'Item quod nullus recipiatur ad primum vel secun-

The fifteenth century saw the break up of medieval social conditions and the gradual disappearance of the clerical monopoly of permanent administrative office. The ordinance of 1388 prohibits with such vehemence the marriage of chancery clerks that we may feel sure that the 'clericus uxoratus' was no more a stranger to chancery than, as the case of Hoccleve shows, he was in the office of the privy seal. The first known case of a married chancery clerk has already been mentioned in that of John Tamworth, clerk of the Crown, who kept a school for would-be clerks of his office. The clerk Tamworth of the conveyance of 1353 was in that of 1368 described as 'John Tamworth and Alice his wife'. Yet we know that Tamworth retained to his death the control of his inn and the status of a superior clerk of chancery. Twenty years later, the ordinance of 1388, while generally prohibiting marriage on pain of expulsion, made an exception in favour of Tamworth's successors as clerks of the Crown and their subordinates. Nevertheless a married man, Master Ralph Greenhurst, doctor of laws, was in 1411 appointed king's notary in chancery and clerk of the first form. A caveat was entered against this irregularity. 'The king is unwilling,' says the writ, 'that by colour of this present grant to Ralph, who is bound by the matrimonial bond, others of this conjugal condition should be raised in future to this estate and grade.'¹ Forty years later a perfect epidemic of matrimony broke out in the 'almonry of chancery', a subordinate branch of the office devoted

dum gradum nisi per debitam electionem et maturitatem clericorum de prima forma tunc presencium.'

¹ *C. P. R.* 1408-13, p. 272. 'Married clerks' were often permitted by the curia romana to act as notaries, provided they were not in holy orders; see, for instance, *C. Papal Letters*, 1404-15, p. 93.

to redressing the wrongs of poor persons 'lacking means to sue by common law'.¹ Within three years, 1448-50, three clerks of the almonry were permitted to marry on the curious ground that they were 'wholly indisposed to take holy orders'.² In another case a servant of the clerk of the Crown, already lawfully married, was 'though married, appointed a clerk of the almonry'. Thus half the almonry staff became married men. Later on the celibate bond was further relaxed in practice so that by the reign of Henry VIII marriage was tolerated in the case of all other clerks and cursitors save only to the 'six clerks'. Accordingly an Act was passed in 1523 giving statutable permission to the six clerks and their successors to marry.³ Yet it was not until after the Reformation that the chancery officer ceased normally to be a clerk. The first lay master of the rolls was Thomas Cromwell. Even under Elizabeth a lover of old ways indignantly complained of the falling away from the ancient order. 'I would the lord keeper were a bishop. I would a bishop were master of the rolls. I would that all the six clerks of chancery were priests.'⁴

The conservatism of a government office was now strengthened by the conservatism of a law court, for the chancery was now becoming more a court of equity and less of a general secretariat. Thus it was that, despite all these circumstances, the tradition of the 'hospicium cancellarie' died very slowly. The hanaper accounts continued to register the payment out of its income of the

¹ *C. C. R.* 1377-81, pp. 475-6, gives an instance of such a case in 1380. In 1388 the clerks of the almonry were only allowed to 'write' under the name of a clerk of the first or second form; Sanders, i. 7a.

² *C. P. R.* 1446-52, pp. 153, 185, 264, 309.

³ Stat. 14 & 15, Hen. VIII, ch. viii. *Statutes of the Realm*, iii. 216.

⁴ *Cecil MSS.* ii. 63, Hist. MSS. Comm.

old chancellor's fee and its appropriation 'pro expensis et robis suis ac clericorum regis eiusdem cancellarie commensalium'.¹ Under Edward IV and Henry VII the phrase changes to 'pro expensis et robis suis ac clericorum ac aliorum ministrorum cancellarie regis'.² But the pretence of the 'hospicium' survived its reality. So late as 1554 we are told that the chancellor had still 'his diet out of the hanaper, towards such charges as he is and was wont to be at'. But these charges were now partly 'out of use', including the chancellor's 'having in term time such masters of the chancery as would come to his house to be at his table and a chancery table in the hall for their clerks.³ But the 'six clerks' under the master of the rolls were still expected to 'keep commons together'. And at the same date the clerk of the Crown, the clerk of the hanaper, and the 'riding clerk' still had 'allowance for their chambers and diet in the chancellor's house for themselves or their deputies, and some of them allowance for horsekeep when the chancellor doth journey'.⁴ Thus the ideal of the chancery staff living together survived even the Reformation. In the curious 'Treatise of the Maisters of the Chauncerie',⁵ which was written between 1596 and 1603, the author pleaded that the corporate life should still be upheld. It might be dangerous to be suitors to her Majesty for the constitution of the office as a new corporation. But he urges

¹ Hanaper accounts, Exch. Accts. 213/11 (Waltham's Account, 1395-6).

² Ibid. 217/3 (1467-8), 217/4 (1468-9), and 217/14 (1485-7).

³ Sanders, *Orders in Chancery*, i. 11. 'Orders explained by Master Crooke, 1554, upon the estate of the Chancery Court.'

⁴ Ibid. i. 12.

⁵ See Hargrave's *Collection of Tracts relative to the Laws of England*, i. 318-19 (1787).

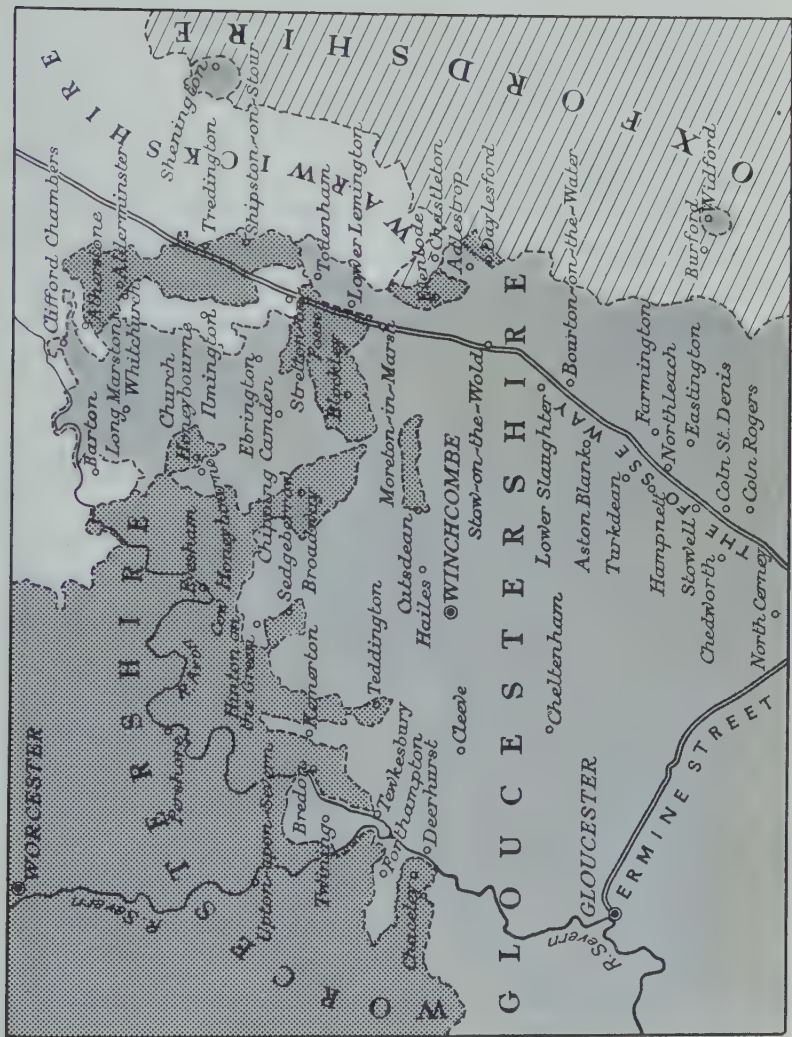
that 'half a dozen of us should begin a new inn of chancery and keep our commons together in term time'. 'Upon this foundation there would grow order for attendance at court among ourselves, respect unto us from others, which we now want by being mingled amongst others, and an ableness to perform the service of the court the better by our conference.' Thus a servant of Elizabeth's chancery pleaded as the remedy for modern abuses the reintegration of the 'hospicium cancellarie'. His appeal did not meet with any response. All that now survived of the 'household of the chancery' was the continued attribution of the term 'inn of chancery' to societies which had long ceased to have anything to do with chancery. The changes of the later nineteenth century have swept out of existence even this attenuated survival of the homes which the medieval chancery clerks had made for themselves.

T. F. Tout.

CONCERNING SOME GLOUCESTER- SHIRE BOUNDARIES

KNOWING well that many of Dr. Poole's interests lie on the side of Cotswold, I have ventured to make my contribution to this book in the shape of a note on the anomalies of the boundary of the shire of Gloucester. I am not able to solve all the problems raised by a glance at the county map, nor can I pretend to have studied them with the minute care that my old friend the Rev. Charles Taylor of Banwell used to devote to this form of local inquiry. But since his monographs lie buried in back numbers of the proceedings of the Bristol and Gloucester Archaeological Society, and are probably unknown to those who have not the privilege of belonging to that honourable body, and since I have a considerable number of problems of my own to add to his, I think that it may be worth while to devote a few pages to them.

Gloucestershire was, as every one knows, the southern portion of the old kingdom of the Hwiccas, which broke off from Wessex after the fall of Ceawlin in 591. The Hwiccian state remained for at least two centuries under a race of princes who were reckoned vassals of the greater kingdom of Mercia, and appear as *subreguli* under Wulfhere, Ethelred, and other Mercian high-kings. The boundaries of the kingdom are indicated by those of the bishopric of Worcester, which was founded by Theodore of Tarsus, in or about 680, precisely for the purpose of ministering to this tribal unit. They had no correspondence with those of the tenth-century counties of



Worcester, Gloucester, and Warwick, all of which came to include considerable districts which had never belonged to the Hwiccas. Gloucestershire west of Severn, the modern 'Forest of Dean'—more properly *Decanatus de Foresta*—belonged to the sub-kingdom of the Magesaetas and the bishopric of Hereford. So did the north-western extension of modern Worcestershire along the river Teme; for the boundary of Hwiccian on this side was the line of the Malvern and Abberley Hills. And of Warwickshire only the south-western half was Hwiccian—the medieval rural deaneries of Warwick and Kington—while the rest, Arden and Coventry and Stoneley, was pure Mercian, and part of Lichfield diocese.

We must not linger to speculate on the origins of the lie of the Hwiccian frontier, but it is curious to note that for the larger part of its circuit it did not coincide with any outstanding natural features. The lower course of the Somersetshire Avon, the line of the Malvern and Abberley Hills, and perhaps the marshy upper course of the Thames about Lechlade and Cricklade, were obvious physical lines of division; but these only cover a fraction of the border. On the side of Cotswold it is impossible to see why the dividing line was drawn precisely where it stands, in that rolling county of downs and deep gullies. Perhaps it was settled by the mere chance of the points to which the 'Chilternsaetas' of Oxfordshire and the Wilsaetas of Wiltshire had pushed their most westerly settlements at the moment when Ceawlin broke into the British kingdoms on Severn side, and conquered Bath, Cirencester, and Gloucester. The Forest of Wychwood, above the vale of Evenlode, is said to draw its name from the Hwiccas, but did not lie within their bounds, since we know that it was never in Worcester diocese, but in

that of Dorchester on Thames. The eccentric frontier line which cut across the middle of the modern Warwickshire may have been settled by the limits of the Forest of Arden, as it stood in the seventh century, but who can say what they actually were?

But whatever were the boundaries of ancient Hwiccia, they were entirely obsolete by the tenth century. The Danish invasions ironed out all the old inner divisions of Mercia and its vassal sub-kingdoms, and all the secular and many of the ecclesiastical frontiers of middle England were remade, when the hard-fighting descendants of King Alfred won back the Midlands from the invaders, and cut them up into new units. That standing puzzle for geographical antiquaries, the 'Tribal Hidage', is full of the names of mid-English districts which still defy identification. Instead of them we get in the tenth century the modern shires, which owe their origin to the military districts attributed to the 'burhs' of the 'Burghal Hidage', a document which goes back to the days of Edward the Elder, but does not include the arrangements made for his later conquests from the Danelaw, the Essex *burhs* of his earlier campaigns being the last recorded on the list. Edward and his sister Ethelflaed obviously reconstructed the internal divisions of the Midlands on a purely military system—that of fortified garrison-centres, which were to be maintained by the inhabitants of the surrounding district. South of Thames, where the shire system was not changed, there were in each old shire many small burgh-districts, some of a very few hundred hides. But north of Thames the arrangement seems to have been that a certain regularity of size for the new administrative units was obtained by grouping the countryside into blocks of either 1,200 or 2,400 hides,

often depending on a chief-burh, which afterwards became the county-capital of a new shire.

In many cases there was from the first but a single large *burh*, which gave its name to the attributed district—as in the cases of Leicestershire, Cambridgeshire, Huntingdonshire, Bedfordshire, &c. In others, e. g. Essex and Cheshire, there were several *burhs*, but the districts attributed to each were so small that they could not make decently large administrative units. Hence they were grouped together in order to form a shire of sufficient size. The grouping may have been done a good many years after the days of Edward the Elder.

Now Hwiccia had never been conquered by the Danes, nor had the district west of it, the old kingdom of the Magesaetas, answering to the modern bishopric of Hereford. They were, however, divided into new military administrative units, presumably by Ethelflaed and her husband Alderman Ethelred, to whom King Alfred had granted West Mercia, or rather that part of it which had never fallen into the hands of the Danes. The Hwiccian lands were obviously too large a block to be dealt with as a single unit. They were cut up into at least three and more probably four sections, depending respectively on Gloucester, Worcester, Warwick, and (almost certainly) Winchcombe. For, as we shall see, the Gloucestershire of Domesday Book had, roughly speaking, double as many hides as Worcestershire or Warwickshire, and must have come to include the obsolete Winchcombeshire whose end fell somewhere soon after the year A. D. 1000. According to Maitland's calculations in *Domesday and Beyond*, Gloucestershire had, in 1086, 2,388 hides, Worcestershire 1189, Warwickshire

1338. Of the external boundaries of the four new shires, we only know that they included more land than the original Hwiccia, since the territory 'attributed' to Warwick went far beyond the frontier of the old sub-kingdom, taking in the whole of Arden and the plain-land eastward as far as Watling Street, while Worcester's territory was extended up the Teme, so as to take in the Tenbury district, which had been Magesaetan land, and Gloucester's into the Forest of Dean.

Of their internal boundaries against each we cannot speak for a certainty, because they were entirely recast when 'Winchcombeshire' came to an end. They certainly cannot have been the chaotic jumble of 'islands' and 'peninsulas' which we see on a map of 1086 or of 1926.

Now of Winchcombeshire and its extent we have only casual indications. The most important of them is a passage in the Worcester Chartulary of Heming—drawn up at the end of the eleventh century and well after the Norman Conquest—which states that Edric Streona, the treacherous minister of Ethelred the Unready, had such power that

Quasi subregulus dominabatur, in tantum ut villulas villulis et provincias provinciis pro libito adjungeret, nam vicecomitatum de Wincelcumb, quae tunc per se erat, vicecomitatui Gloecestrae adjunxit.

That is, he not only joined at his pleasure townships, but even shires, throwing Winchcombeshire, which was then an independent unit, into Gloucestershire. It is obvious that 'provincia' can only be rendered 'shire', since the word 'vicecomitatus', used well after the Norman Conquest, can only have that meaning.

Another document in the Worcester Chartulary, deal-

ing with claims in Beckford and Cheltenham, and purporting to go back to the ninth century, is headed 'Into Wincelcumb scire'. But what was the shire? Presumably the Cotswold side of Gloucestershire, and not the fertile and well-peopled Vale, so that it may have had a much larger superficial area than the original land attributed to Gloucester, though its hidage may have been much the same.

Now from the point where the Fosse Way first leaves Warwickshire as far as the river Severn, a matter of twenty-five miles only as the crow flies from Shipston-on-Stour to Tewkesbury, we have the most irregular and perplexing shire boundaries that are to be found in the whole of England, a terror to the maker of maps.

Worcestershire has five 'islands', strewn about in Warwickshire, Oxfordshire, and Gloucestershire, all of them separated by alien territory from the main body of the shire. Some of them are very small, others four or five miles long and containing more than one parish. The largest is that round Shipston-on-Stour, enclosed on both sides by Warwickshire; the second largest is that known as 'Blockley Jurisdiction' from the large village in it, which is surrounded on three sides by Gloucestershire, on the fourth by Warwickshire. Cutsdean—an *enclave* entirely encircled by Gloucestershire—Evenlode, and Daylesford—small patches pinched in between Gloucestershire and Oxfordshire—are much smaller.

But over and above these 'islands' Worcestershire has some extraordinary 'peninsulas'—projecting headlands pushing far into Gloucestershire, and only touching Worcestershire at narrow necks less than a mile broad, such are the townships or parishes of Church Honey-

bourne, Broadway, Sedgeberrow, Teddington, and Chaceley. It has another peninsula cutting into Warwickshire—that containing Oldberrow.

Similarly Gloucestershire has two 'islands', Shenington, pinched in between Warwickshire and Oxfordshire, and the tiny Widford, just below Burford in Oxfordshire. It has also many 'peninsulas'. The largest runs from Chipping Camden on Cotswold to Clifford Chambers on the Warwickshire Avon, opposite Stratford, is ten miles long and four broad, but is joined to its shire by a neck only half a mile wide, which just separates the Worcestershire parishes of Broadway and Blockley. The rest are smaller affairs, four projecting into south Worcestershire, and containing Hinton-on-the-Green, Kemerton, Twinning, and Forthampton, one wriggling between Oxfordshire and Warwickshire with Todenham at its apex and Lower Lemington at its base.

Warwickshire, though less eccentric in its outline than the neighbouring counties, has one large 'island', five miles long and more, containing Stretton-on-the-Fosse and Whitchurch. It has also two 'peninsulas' cutting into the northern extension of Gloucestershire, and violating the boundary-line of the Avon—Atherstone and Barton.

No sane and honest drawer of boundaries could have made this extraordinary arrangement, if proceeding on grounds of geographical utility. It would obviously be inconvenient for inhabitants of an 'island' to find themselves members of a hundred from which they were separated by eight or ten miles of alien soil. And for police arrangements nothing could be worse—a fugitive could take repose in an 'island' belonging to a different shire, and lurk undisturbed till its distant authorities

should have been stirred up, and summoned to join in the hunt.

One of the oddest features of this distribution of boundaries is that it has no relation whatever to the main lines of internal communication then prevailing. Not only does it ignore river-lines and hill-lines, but it takes no count of one of the greatest Roman roads of England, though these roads in other districts were sometimes utilized as shire boundaries and often as hundred boundaries. The Fosse Way, the great central high road from Cirencester to Lincoln, cuts right across this region of wild 'islands' and 'peninsulas', bisecting scraps like 'Blockley Jurisdiction', the Warwickshire island of Stretton-on-Fosse, and the Worcestershire island of Shipston-on-Stour. And this reckless disregard of old conveniences becomes all the more surprising when we look at the internal boundaries of Gloucestershire. For these the Fosse was regularly used as a 'natural frontier'. From the gates of Roman Corinium to near Stow-on-the-Wold, where it is about to quit the shire, the Fosse is regularly used as the boundary-line between parishes. On its west side lie Baunton, North Cerney, Chedworth, Stowell, Hampnett, Turkdean, Aston Blank, Lower Slaughter; on its east side lie Preston, Ampney Crucis, Coln Rogers, Coln St. Denis, Eastington, Farmington, Bourton-on-the-Water. The extraordinary straight line made by these parish boundaries is one of the first things that strikes the eye when a map of the local divisions of Gloucestershire is consulted. Nothing but a Roman road could have caused it. But after the neighbourhood of Stow is reached, the Fosse plunges headlong across parish and shire frontiers, and ceases to have any administrative meaning or importance. It may be noted that all the

villages of the Gloucestershire parishes cited above are well off the actual line of the Roman way—sometimes two or three miles from it; the Fosse does not go through the middle of any considerable block of houses between Cirencester and Stow. The Roman way runs straight across hill and dale; the villages cluster in the sheltered bottoms of the river-valleys which cut across the wold—the Windrush, Coln, and Churn.

It is clear, then, that neither physical geography nor convenience of communications had anything to do with the drawing of the eccentric shire boundaries between Tewkesbury on the west and Shipston-on-Stour on the east. But they must have had some cause—every frontier has *some* meaning, however irrationally it may appear to run. And here the key to the problem was discovered by my old friend Mr. Taylor of Banwell nearly twenty years ago. The ‘islands’ and the ‘peninsulas’ belong with few exceptions to the great Gloucestershire and Worcestershire monastic houses, who were by far the greatest landed proprietors on Cotswold and in the vale of Avon in the eleventh century. The placing of outlying patches of land belonging to a first-class abbey or minster in the same shire where the central establishment lay gives the solution of the problem. It was done long before the Norman Conquest; for Domesday Book not only records all the anomalies as existing in 1086, but makes no allusion to their having been a recent arrangement; we need not even except a reference under Evesham to the effect that the abbey in the time of King Edward ‘defendebat se in Gloowcestershira pro lx hidis’. For these sixty hides were obviously not the Evesham lands near the border which formed ‘islands’ in Gloucestershire, but some distant holdings much further

from the border, such as Bourton-on-the-Water, which were never taken out of Gloucestershire.

Going through the 'islands' and 'peninsulas' which we cited in the early pages of this paper, we find that—

Of Worcestershire 'islands', Tredington by Shipston-on-Stour, Daylesford, Evenlode, Blockley, Cutsdean, belonged to 'St. Mary of Worcester'; Alderminster, by Shipston-on-Stour, to St. Mary of Pershore.

Of 'peninsulas', Sedgeberrow, Teddington, and Bredon belonged to St. Mary of Worcester; Broadway to St. Mary of Pershore.

Again, of Gloucestershire 'islands', Widford in Oxfordshire belonged to St. Oswald of Gloucester. Shenington and Forthampton, both in the king's hands in 1086, are put down under 'Rex in Teokesburia' because they had belonged to the temporarily defunct Saxon minster of Tewkesbury, the foundation of the shadowy 'Odda and Dodda' of local legend.

And of the 'peninsulas' jutting out from Gloucestershire, Twining and Cow Honeybourne belonged to St. Mary of Winchcombe; Hinton-on-the-Green to St. Peter of Gloucester.

The 'peninsula' east of the Fosse, containing Todenham and Lower Lemington, was an outlying possession of St. Peter's, Westminster, the new foundation of Edward the Confessor. Why this 'enclave' was placed under Gloucestershire rather than under Worcestershire or Warwickshire it is impossible to say.

The best example of the interests of two abbeys being consulted without reference to any other consideration is the case of Honeybourne. It had fallen into two halves—'Church' Honeybourne belonging to Evesham, 'Cow' Honeybourne to Winchcombe. The unit was cut up

ruthlessly—the Evesham share going into Worcestershire, the Winchcombe share into Gloucestershire.

It only remains that we should speculate on the date at which these astonishing subordinations of the administrative convenience of the state to those of the abbeys is likely to have taken place. It seems improbable that it should have been in the days of Edward the Elder, when the land was cut up into districts ‘attributed’ to *burhs* for purposes of military defence. For in the early tenth century monasticism was still in the state of decay in which Alfred, as he complains, had found it. He and his children began to reconstruct the ruined system, but it is unlikely that by 918 or so, when the ‘Burghal Hidage’ was compiled, the interest of the monastic establishments, some of them (like St. Peter’s, Gloucester) only just founded, others doubtfully existent, should have overridden military convenience.

By the time of Edgar, when the monastic party, under Dunstan and Ethelwold, was predominant in the royal councils, we can conceive that the desires of abbots would have had much weight; and the *burh* system had ceased to be all-important since the Danelaw was tamed, and the internal defence of the realm secure. But it seems much more plausible to refer the institution of the new frontiers of the shires to the time in the days of Ethelred the Redeless when Edric Streona, as Heming’s Chartulary tells us, ‘villulas villulis et provincias provinciis adjungebat’. At a moment when the whole district was being re-mapped by Edric, it would be easy for the abbots to urge their demands upon him; and by conceding the boon (inconvenient as it might be to sheriffs and the Crown) he would be winning himself powerful supporters, the biggest landowners of Hwiccia, in the time when he was

about to place his personal ambitions above the interests of his royal master. The date therefore of the cutting up of ' Wincelcumbeshire ' would appear to be the best at which to place the accomplishment of this reckless redistribution of internal frontiers, which was a long-accomplished fact when Domesday Book was compiled.

C. OMAN.

A NOTE ON THE WORK OF THE WYCLIF SOCIETY

IT is fitting to connect a note on the now finished work of the Wyclif Society¹ with the name of Dr. R. L. Poole. From the first he was one of its chief supporters, and was, on both the general historical and the special Wyclif side, of the greatest help. The doctrine of *Dominion* he had already expounded,² even before he edited works which give material for a study of Wyclif's political thought: future writers may enlarge this in detail but cannot alter it in outline or value.

The lion's share of editing was taken by Dr. Loserth with thirteen volumes; he also revised and finally gave

¹ In this and following notes the 12 books of the *Summa* are marked with their proper numerals thus [7]. The sequence illustrates Wyclif's thought and changing standpoint beginning with God's law and the ideal state, and ending with sharp antipapal criticisms and denunciation of corruptions, always mingled with very abstract schemes.

² *Illustrations of the History of Medieval Thought and Learning* (1st ed., 1854; 2nd ed., S.P.C.K., London, 1920). See chap. X. The preface to the second edition gives a sketch of his study of Wyclif, which led to his editing the *De Civili Dominio* (Bk. I) for the Society (1885), the first work [3] to be finished expressly for the Society, Dr. Buddensieg's *Polemical Works*, having been previously printed in Germany. Bks. II and III of *De Civ. Dom.* [4, 5] were afterwards edited by Dr. Loserth (3 vols., 1900-3-4), who noted that Dr. Poole had helped him with many emendations of the text. Dr. Poole also edited the *De Dominio Divino* (1890). The preface to *De Civ. Dom.* gives (pp. xviii-xx) useful hints on Wyclif's Latin, tinged as it is by English. To the *De Dom. Div.* is added as an Appendix the *De Pauperie Salvatoris* of Richard FitzRalph Archbishop of Armagh (Armachanus), to whom Wyclif owed his doctrine of Dominion (*Libri*, iv. 257-476) and much else. In his 'Wyclif and Movements for Reform' (*Epochs of Church History*, Longmans, 1889) Dr. Poole gives a life of Wyclif in adequate setting.

to the Society for publication Shirley's invaluable Catalogue of Wyclif's works with full references to manuscripts and printed editions.¹ In his *Huss and Wyclif*² he proves the dependence of Huss upon Wyclif and also treats fully Lollard intercourse with Bohemia, of which nothing more need be said here, except to note the interest of the notes by Czech copyists on the margins of the manuscripts, by which we can trace their journeys from Oxford to local Lollard centres.³ Such a noble record of continuous but badly requited labour over many years speaks for itself and claims the greatest gratitude.⁴

¹ Published by the Society.

² 1st ed., 1883, translated by M. I. Evans (London, 1884); the second edition (Munich, 1925) is enlarged and naturally refers to the printed works instead of the manuscripts as before.

³ Noted in preface to *De Dom. Div.*, *De Civ. Dom.*, *De Veritate S. Script.*, and *De Ecclesia*.

⁴ Besides the volumes (Bks. II and III) of *De Civ. Dom.* [4, 5], Dr. Loserth edited *De Potestate Pape* [9] (1907), 4 vols. of *Sermones* (1887-90), *De Eucharistia* (1892), *De Ecclesia* [7] (1886), *Opus Evangelicum* (2 vols., 1895-6), *De Mandatis Divinis* [1] and *De Statu Innocentie* [2] (1922) along with Dr. Matthew, and *Opera Minora* (1913). He also helped the Society in its other works and always in every way.

Dr. M. H. Dziewicki edited *De Apostasia* [11] (1889), *De Blasphemia* [12] (1893), *De Simonia* [10] (1898) along with Dr. Herzberg-Frankel; the chief philosophical works, *De Logica* (3 vols., 1893-6-9) and *Miscellanea Philosophica* (2 vols., 1902-5).

Dr. Rudolf Buddensieg edited *Polemical Works* (2 vols., 1882-3, printed in Germany earlier) and *De Veritate Sacrae Scripturae* [6] (3 vols., 1905-6-7).

Mr. A. W. Pollard edited *Dialogus sive Speculum Ecclesie militantis* (1886) and, along with Mr. C. Sayle, *De Officio Regis* [8] (1889). Mr. E. Harris edited *De Benedicta Incarnacione* (1886); Dr. Rudolf Beer *De Compositione Hominis* (1884) and *De Ente Praedicamentali* (1897). With the late the Rev. H. S. Cronin's *Rogeri Dymok Liber* new ground was broken, as little had been printed of anti-Lollard works. To the invaluable *Fasciculi Zizaniorum* of Dr. Shirley, which gives us the

Only a few smaller tracts now remain unprinted, and we have thus ample material for a full survey of Wyclif's activity, scholastic, theological, political, and controversial. Of his Bible, the impulse to which rather than the work itself belongs to him,¹ and of the English works, which have undergone much medieval editing, nothing is said here. The Latin works have an importance of their own, and, quite apart from Wyclif himself, it is a great gain to have an almost complete edition of a scholastic theologian at a time, critical for his University as well as for the wider world.

These Latin works, however important for his character and activity, throw little light on his more private life. The passage in *De Ecclesia* (p. 371), which gives the episode of the Canterbury Hall Wardenship, was known and discussed before it was printed, and tells neither for or against Wyclif being the Warden; no personal interest appears but there is full knowledge of the details: it is quite consistent with his Wardenship, although that is not implied.²

Fasc. Ziz. Magistri I. W. cum tritico of Thomas Netter of Walden, and William Wodeford's *Contra Trialogum Wyclif* (reprinted in Brown's *Fasciculus*, London, 1691), is thus now added more material of the same kind. Bishop Pecock's English works on the same side might also be mentioned.

It is convenient to add here a reference to other works of Wyclif printed. His biographer, Lechler, edited the *Triologus* with its supplement (Wyclif's *Summa Summarum*, Oxford, 1869); this was meant (see preface) as the beginning of a complete edition of the Latin works, but nothing further appeared. *De Officio Pastoralis* (1863) was also edited by him. *De Christo et suo adversario* was edited by Dr. Buddensieg (1880). Also in *Polemical Works*, ii. 633.

¹ See *Cambridge Hist. of Eng. Lit.* ii. 58 seq., with Bibliog., p. 439 seq., and (later) Miss Margaret Deanesly's *Lollard Bible and other medieval versions* (Cambridge, 1920).

² I am inclined to think that Wyclif was the Warden. Dr. Poole

We have some information, incidental and less than might be expected on some matters,¹ such as his citation to Rome.² Of this citation, held doubtful by Lechler,³ there can now be no doubt. His first trial at London (19 February 1377) was part of the attack upon John of Gaunt by the clerical party; his second when the Archbishop of Canterbury and the Bishop of London, as papal commissioners, conducted the investigation (February or March 1378); the Papal bulls (dated May 1377) had instigated the proceedings, and action at Oxford followed. Thus the political and academic controversies were fused, and this fusion underlies the works of this time.⁴ But the citation has been held to have a later date ⁵ (1383-4)

takes the other view (*Illustrations of Medieval Thought and Learning*, new edition, p. 251 note). Wyclif afterwards held that Simon Hyslep (Islip) had sinned in founding the Hall but that the Anti-Simon (Langham) sinned worse in subverting it. In *De Officio Regis* (p. 75) he says that abuses of patronage, appointment of youths (*pueri*), had existed since the days of Islip. There is much in Wyclif on appeals to Rome (e.g. *Opus Evangelicum*, i. 200, 211, 213, and 294; the tone of these passages shows that if he were the Warden he had changed his mind in later years as to the rightfulness of appeals). In *De Simonia* (p. 22) he severely condemns attempts to gain pluralities through the Pope: to do so involves the mingling of spiritual duties with a wish for profit, and this is simony, of which Wyclif takes an extended definition. On Canterbury Hall see also H. S. Cronin, *J. W., the Reformer and Canterbury Hall* (R. Hist. Soc., Series 3, vol. viii, and reprinted, London, 1914).

¹ For one of his preferments, probably Aust, see *De Civ. Dom.* iii. 334 (see *Eng. Hist. Rev.* xv. 529, by J. A. Twemlow).

² Something of this is in *Fasc. Zix.*, where, however, minor corrections of date have to be made. No praise is too high for Shirley's excellent and suggestive pioneer work, sound in knowledge and judgement and still most useful.

³ See his *John Wyclif*, trans. by Lorimer, p. 415.

⁴ See especially the *De Ecclesia* (to be dated, although parts of it are earlier, in the latter half of 1378), and the *De Blasphemia*, a little later and bitterer in tone.

⁵ See *De Citationibus Frivolis* (*Polemical Works*, ii. 537 seq.). Budden-

in the Lutterworth period. Loserth has now shown that references to the citation must refer to the earlier bull of Gregory XI, revived later on.

Wyclif's refusal to obey the citation is based on the royal power, which is supreme 'over all causes' and is derived from God. Wyclif thus carries on a tradition, more or less unbroken, even if fluctuating, in England since the York Anonymus in the twelfth century.¹ The claim to issue citations comes not from God or from temporal lords but from Satan, and is really a trick for getting money. Even the title Pope (in other works he points out the old wider use of the name) belongs to the poisoned and corrupt stage of the temporal power (the Constantine-Silvester legend of the poison poured into the veins of the Church is a favourite allusion of his). To obey the citation would be disloyalty to the king. And we have another like passage in which Wyclif pleads illness and loyalty to the king. He objects to the voyage, dangerous and long, so that before his arrival the Pope might have

sieg dates it 1383-4 by (a) Urban VI being called *refuga* (p. 552), so that he had left Rome for Naples, which he did in 1383; (b) from a possible reference (p. 554) to Herford's imprisonment at Rome; (c) from its Eucharistic doctrine; (d) from Wyclif's plea for not obeying the citation (*quidam debilis et claudus citatus*); so belonging to Wyclif's last two years at Lutterworth, 1383-4 (see editor's preface, *Polemical Works*, ii. 541-2). But against this see Loserth's conclusive arguments (Introduction to *Opera Minora*, p. xxviii): *refuga* means one who flees or avoids justice (2 Macc. v. 8), and on p. 161 we have *refugam Antichristum*; the words *etiam de hostia consecrata* are, he says, a later addition. The supposed reference to Herford's imprisonment must refer therefore to an earlier case, and such were common (see *De Prelatis Contencionum sive De incarcerationis fidelibus* in *Op. Minora*, pp. 92 seq. and Preface, xvi). Gregory XI in his bull ordered Wyclif to be brought to Rome, and it was against this citation he protested.

¹ Wyclif's position is much the same as that, e.g., of Stephen Gardiner in his *de Vera Obedientia*.

been damned to hell,¹ which would be inconvenient. But on the other hand Wyclif is, to begin with, ready to accept the hierarchy of the Church within its essential spiritual sphere. Episcopacy, suitably exercised, he accepts,² although in the course of the struggle and with his always strengthening appeal to the Law of Christ and its individual implications he criticizes its effect more and more severely.

And here again we can detect a gradual change. He started with a very fair, if not well co-ordinated, knowledge of historical facts, and also with his abstract theory of the spiritual (and predestined) Christian, who alone could hold true office; it was difficult to combine these contradicting views into a coherent whole. His criticism of evils at the Curia and his hatred of endowments as sinful led him to lay decreasing stress on historic growth. Admitting a primacy as necessary, it did not follow that it need be fixed at Rome, where the Pope had, and should exercise, the power of a simple local bishop. Then nearer home the action of the English bishops against him made him appeal more strongly to his ideal of a purely spiritual Church (reminding us of the later Puritan ideal of a gathered Church) in which the most perfect follower of Christ stood highest and so held the greatest power.

¹ *De Servitute civili et Dominio seculari. Opera Minora*, p. 159.

² Thus St. John was a bishop with seven *episcopos adiutores* (*De Potestate Pape*, p. 75), and the apostles had the functions of bishops (p. 74). In *De Potestate Pape* (correctly dated by the editor c. 1379, pp. 95 *seq.*) is a long and interesting discussion on the Primacy of Peter; and the distinction drawn between ecclesiastical character and jurisdiction, which is based on statements of FitzRalph's and reminds us of the later discussions at Trent. But at first the Church was ruled by councils (p. 96). For another argument on the Papacy see *Responsiones ad quadraginta conclusiones*, &c., in *Opera Minora*, p. 201 (dated 1382-3 and therefore more sweeping).

Even the simple layman had spiritual power and functions, and so on the theoretical side, and in despair of any adequate reformation, he drifted into a rather plastic Presbyterianism and discarded history.¹ It was easy for one who had spent many years in academic disputes to move, as it were, in a purely abstract world, to throw out suggestions and make statements, which he was ready to discuss but which were not always easy to reconcile or mould into a compact system. Yet silence, especially as to the use of certain scholastic terms in the schools, had been enjoined on him. This silence he kept; he lived as a simple parish priest, paralysed, partly at any rate. But he still spread his writings widely as indeed he had done since the early days of Urban VI. One who was so largely scholastic on the one hand and so largely a man of action on the other would find it easy to think out his opinions and develop his views without letting this interfere with his daily parochial life. If there was an inconsistency he did not see or feel it. But views usually expressed in academic speculations were often ill suited to less educated people.

We learn something of the wide vogue of the works in connexion with his *Litera missa papae Urbano VI.*²

¹ See *De gradibus cleri ecclesie: Opera Minora*, p. 140 ('of late but uncertain date': so Shirley and Loserth). Without spiritual fitness ordination has no value. Priests and deacons, as in Old Testament, suffice; archbishops and bishops, as later, are needless; minor orders are unscriptural and wrong.

² A discussion of Wyclif's 'Letters' in Loserth's introduction to *Opera Minora*, p. i; the letter itself, p. 1 *seq.* (also *Fasc. Ziz.*, p. 341; an English version in *Select English Works*, iii. 504, and also in both Lewis and Vaughan; the differences between the Latin original and the English 'heightened and amplified', as T. Arnold says, by his followers for 'home consumption' are instructive for Lollard treatment of Wyclif's works). The mention of Urban as having evangelical instincts (p. 2) is evidence

Owing to political discussions and popular excitement, discussions at Oxford had reached a wider public. In September 1376 he was invited to London to help John of Gaunt and his party, and was there very active in sermons and writings. In *De Veritate Sacrae Scripturae* (dated 1378-9) ¹ he says he has made no secret of his views: he has transmitted his conclusions not only throughout a great part of England but also of Christendom and even to the Roman Curia; he is prepared to defend them in person before his accusers or *in scholis*. But, apart from more personal reasons given elsewhere, he refused to appear at Rome because of his stand upon royal rights. His citation, however, was not insisted upon and the case was left in the hands of the Papal commissioners in England: at this time Wyclif, it should be noted, could depend upon royal support more than he could later, when his heresies on the Mass had given his cause a different complexion.

One conclusion from a survey of his works is that early controversies at Oxford did more than has been supposed to form his views and also underlie more largely all his writings; earlier academic material being frequently embodied in later writings apparently more deliberate in form and bulk and less occasional. It is interesting to see that old academic friendships lived on, and that all discussions did not always bring bitterness, as did the later. Thus, for instance, towards Radulphus Strode, Wyclif is courteous, because Strode had 'known (him)

for a date in 1378 not, as was earlier thought, in 1384, and in connexion with the citation to Rome. We have also (in *Opera Minora*) letters to the Archbishop of Canterbury and the Bishop of Lincoln. 'Letter' is to be taken as meaning what we should call 'an open letter' (so, e.g., the *Cruciata* (*Polemical Works*, ii. 577 *seq.*) is such a letter sent to the Bishop of Norwich).

¹ *De Veritate*, &c., i. 349.

in the schools': he even confesses to some 'arrogance and presumption' in past argument, and there he had sinned.¹ The disputations with Ricardus (*sic*) Strode and Magister Outrede de Omesima, a monk, have something the same tone. Academic friendships and memories live long and leave a fragrance behind. Again and again in the larger works we come across allusions to an opponent,² which really belong to former discussions. Thus a certain man, 'ignorant although a Doctor', treats the defenders of the Church as heretics.³ Such disputes are constantly referred to in *De Civ. Dom.*⁴ The abbot of Chertsey comes before us at some length,⁵ for he said that not only the Pope but *saltem presbyteri* had the right to bestow temporal endowments. A certain *Doctor mixtim theologus*, of whom we would like to know more, also bore his part.⁶ A certain *canis niger* seems to have stirred up much strife, and these *Domini canes* with their fellows give rise to much verbal play, which at least once puzzles the editors.⁷ He

¹ *Op. Minora*, p. 197. There is a personal touch in the passage, and this rare in W. A difficulty arises about the *Responsiones ad X questiones*, Ricardi Strode (*Op. Min.*, p. 398 *seq.*): was Ricardus a scribe's mistake or expansion of R. for Radulphus? For Outrede, see *Op. Min.* (probably the most important of the Society's volumes), p. 406 *seq.*, and Loserth, *Die ältesten Streitschriften Wiclifs*, Vienna, 1908.

² Loserth, *Die ältesten Streitschriften Wiclifs*, Wien, 1908, is illuminating (in the *Wiener Sitzungsberichte*). So is *Fasc. Zix.*

³ *De Potestate Pape*, p. 253.

⁴ See Loserth in *Eng. Hist. Rev.* xi. 319 *seq.* (a disputation in 1376-7 against Woodford (Wadford)).

⁵ *De Officio Regis*, pp. 98 *seq.*, he asserted this, *inter alia sanguinea argumenta*.

⁶ *De Veritate S. Script.* i. 153, for the word *mixtim* (*quidam doctor tradicionis humani et mixtim theologus*). Also *Fasc. Zix.*, p. 483, and preface, p. xxxii. Also *De Triplici Vinculo Amoris*, *Polemical Works*, i. 165 (but here of an argument).

⁷ One of these opponents (*Sermones*, iii. 189) is called 'Tolstan',

and his *catuli* have carried tales to Rome and slandered the absent. Incidentally we are thus led to conclude that not the bishops but these academic enemies first sought the help of the Curia, which resulted in the severe treatment of the University by Archbishop Arundel later.¹

Much light is thus thrown on the way in which Wyclif put his works together, and so the large output of his later years is explained.² The *De Veritate*, e. g., must be dated as a whole 1378, but Chapter VII must be dated December 1377 or at most January 1378.³ The *De Ecclesia* again is a striking instance: ⁴ it has passages in

a term which the editor cannot explain, and leaves with the suggestion that it is possibly a name given to dogs at the time. Probably we should read *Tolosanum* not *Tolstanum*. Robert Waldby, an Augustinian friar, and one of those who condemned the twenty-four conclusions, is called Tolosanus (see *Fasc. Ziz.*, p. 286). Toletanus is also a possible reading and explanation.

¹ Scattered references to *pueri* as his enemies and accusers bear this out.

² The marginal headings, which are due largely to Mr. Matthew, are a great help. The prefaces to the various works are mostly important and some give excellent accounts of the works; this is specially true of those by Dr. Loserth, particularly for *De Ecclesia* and *Opera Minora*. I may add one further addition (or correction) to the side-notes which was given me by Dr. Poole. A marginal note by the Czech copyist is left as inexplicable (*De Veritate* 8. *Script.* iii. 131); it is a case of the 'Cisiojanus' dating (see Grotefend, *Taschenbuch zur Zeitrechnung*, p. 20, and in Aloys Meister, *Grundriss*, &c., i. 300).

³ The date is expressly given, i. 258; but the present tense is used (although this must not be overstressed), i. 153, about an earlier discussion with a *doctor mixtim theologus*.

⁴ Chap. XVI was written while Gregory XI (*horrendus diabolus*) was alive (p. 366); Chaps. II and XV just after the election of Urban VI (*virum evangelicum*, pp. 37 and 358: Urban's severity towards his cardinals was a merit in the eyes of Wyclif); Chap. XIII after the Schism had broken out (p. 290); Chap. VII contains Wyclif's statement at the Gloucester Parliament of October 1378. Chaps. VII and XX (early) are found in manuscript as separate works. Chap. XXIII is also early.

which Gregory XI is spoken of as alive (he died 27 March 1378), others written at various times under Urban VI. It is thus clear that Wyclif gathered together smaller works written separately, and his many lectures and discussions furnished much matter. This makes it harder to trace his intellectual changes, but nevertheless certain stages on the main lines can be fixed. So, e.g. on the Eucharist, where Loserth has amplified after Shirley's use of Woodford's statements in *Fasc. Ziz.* Up to 1370 Wyclif denies the possibility of matter (substance) being annihilated, and holds transubstantiation in the Mass to be a repeated miracle.¹ Thus in his earliest works, mainly philosophical, he is orthodox though speculative. But when he wrote his *De Benedicta Incarnacione* a little before 1372 (the year of his Doctorate) he was wavering and uncertain as to what the changed substance was, and he was inclined to leave the discussion aside as needless for a simple *viator*. About 1380 came a further change, probably hastened by his many controversies: he extended his denial of any possible annihilation to the Mass itself. This, which left a large view of the Mass and the Presence undisturbed, was his final position. His difficulties, and his heresy, were philosophical rather than theological.

There are other tests of date. From first to last he held to his doctrine of dominion, derived from FitzRalph, stated in his *De Dom. Civ.* and assumed in his *Summa*. With monks, possessioners, he was soon at strife,² endow-

¹ See *Cambridge Hist. of Eng. Lit.*, ii. 53-4 and 64. The earliest stage is best seen in the *Miscellanea Philosophica* about 1362 (see Pref. i, p. lxiii).

² See *De Privata Religione*, ii (*Polem. Works*, ii. 521 seq.), where the argument is more theoretical (especially Chap. II). The *De Fratribus ad Scholares* is unprinted and probably not genuine, and *De Priv. Relig.* i. is not well authenticated and possibly not W.'s (see Buddensieg's preface

ments and the Papal claims being the causes ; it is also possible that the earlier philosophic controversies ¹ may have lingered on. Disputes with the Friars are often held to have come later ; at first his insistence upon ' apostolic poverty ', where he followed FitzRalph, gave him some sympathy with them, but his dislike of mendicancy, more vehemently expressed as time went on, and his violently expressed disappointment at their not following him, worked with his condemnation of Transubstantiation to arouse strife with them also.² This is the view usually taken.

But I am disposed to think that his relations with the Friars do not fall into sharply marked stages.³ Personal antipathies, dating from the early academic disputes, lingered on and even grew stronger. And in the end, as he got no support from them, he denounced them as a class. But this final stage of hostility did not, I think, grow out of the Transubstantiation controversy. Some Friars probably shared his views about it.

The Papal Schism and the Flemish Crusade (December 1382) have long been recognized as having great effect on him, and the printed works make this even plainer. On the political side they intensified his national feelings

to it (*Polem. Works*, ii. 486 *seq.*). I think the internal evidence less conclusive than does the editor.

¹ The editor (Dziewicki) prefaces the *Misc. Philosoph.*, vol. i, by an Essay on Wyclif's philosophical system ; this and the Introduction to the *De Logica* are the fullest discussions of Wyclif's philosophical foundation, upon which his views on the Mass and on predestination were founded.

² See *Opus Evangelicum*, i. 102, 410, 414. And generally *De Apostasia*, especially pp. 40-1, *De Blasphemia*, and *Purgatorium Sectae Christi* (*Polemical Works*, i. 291 *seq.*).

³ Here the *De Ordinatione Fratrum* and *De Quattuor Sectis Novellis* are most important. The former shows that his opposition to the monks did not arise from his Eucharistic views. The four sects were : seculars, monks, canons, and friars.

and his support of the civil power.¹ On the ecclesiastical side they invigorated his attack not only on corruptions but on nearly every existing institution. His philosophic system, his appeal to the Bible, and his nationalism identified with his regard for regal power, were the permanent outlines of his thought. On the ecclesiastical side he grew more discontented with the state of things and therefore more revolutionary, but he never lost his habit of academic speculation. When he brought these feelings and habits into public play on the Mass, restrictive measures, which might not have been used otherwise, were inevitably taken. Within these schemes of thought his view of the Pope as Antichrist changed until it became extreme. Here, again, are three stages, not strongly marked: (1) up to 1378 a conditional recognition of the Papacy; (2) to 1381 with much criticism of the principle; (3) after 1381, when the Pope is Antichrist. But with Wyclif the word means rather an antichristian force than as with some others an incarnation of evil. There is a good discussion of his use of it by Loserth in his preface to *Opus Evangelicum*.² Wyclif had little kinship with Abbot Joachim.

¹ For the share of the Four Sects (secular clergy of all grades, monks, canons, and friars), see *De Quattuor Sectis Novellis, Polemical Works*, i. 233. On controversies with the Friars (which to my mind are more or less continuous) see *De Ordinatione Fratrum, Polemical Works*, i. 94-5; Matthew's preface to *Select English Works*, p. xliii, with references. Woodford, probably wrongly, ascribes the controversy to Wyclif's Eucharistic treachery. See also preface, *Polemical Works*, i, p. xvi. The *De Officio Pastoralis* (1377) is bitter in its attack.

² See H. Preuss, *Die Vorstellungen vom Antichrist im späteren Mittelalter*, &c., Leipzig, 1906. Here again marked stages have been traced: (1) to 1378, when he is critical but not altogether antagonistic; (2) to 1381, when he gives up belief in the Papacy; (3) after 1381, when the Pope is Antichrist. These divisions do not seem to me so clearly marked.

On the social side there is some scattered material about serfdom. Broadly he held slavery wrong, but then some men were fit for it.¹ He had sympathy with the rebels in their rising, and his dislike of prelates interfering in civil matters conflicted with his dislike of the violence used as against Sudbury. He had wide and generous sympathies and was always ready to see the Christ even in the common man. But he was also wont to see events as instrument of divine wrath.

The printed material does not perhaps help us greatly towards a clear view of Wyclif as a man, but it is clear that he was impulsive, of feelings strong and easily roused, of an expression unrestrained and not always consistent. We shall reach very different estimates of him whether we look at him as a university teacher or as a national leader. As a teacher we can understand the affection which on the one hand he inspired, and on the other hand the animosity he aroused. A slashing and discursive lecturer, not afraid of violent language or suggestions of revolutionary measures (who has, moreover, borne a dramatic part in the larger world), interests the younger and alarms the older classes in a university. A survey of his many writings compels us to look at Wyclif more as an Oxford teacher and a scholastic thinker, well informed but not massively powerful or sharply original in thought or expression. But there was a pathetic side to his later life, which his biographers mostly seem to have forgotten. He had longed to sweep away evils and make the world better: he had hoped to see the Church purifying itself, and, when that hope faded, to see it reformed by the strong hands of 'lay lords'. In this, too, he was disappointed. In his old age, in pain and weakness, he

¹ *De Servitute civili et Dominio seculari*, in *Opera Minora*, p. 153.

looked out on a world very evil and yet refusing change ; loss of power, through outside force and inside weakness, made him hopeless, but he could not be silent. And with it all, in his parish church, its services and its masses, he found help and strength. There he was no rebel, and he felt no inconsistency such as some later writers see.

As an illustration of medieval thought, as a field whence can be dug up relics of much forgotten, violent, but not decisive strife, these many volumes are most useful. Hopes held by some of those who favoured their publication must still remain disappointed. We can no longer regard Wyclif as ' a Reformer before the Reformation ', to use a most misleading phrase. Had all he suggested been carried out we should have had chaos not reformation, a world in which his beloved Bible and his Christ would have had little power. His works have been neglected not because of his ecclesiastical views but because of his scholastic setting. We now know more of the later Reformation and we take more interest in medieval thought than we did of old. We can disregard the partisan watchwords which were formerly so common, and which have intruded themselves into the prefaces of some of the editors and at times even into the reports of the Society itself. We can study Wyclif as a character in history, and can do so in the true historic spirit without the assumptions and the prejudices which hinder the learning that alone is true. The results may, perhaps, be small but are worth the labour spent in reaching them. Wyclif's direct influence was not so great where he expected it to be most fruitful, and was rather local than national in England itself. Even his ' poor priests ' were only effective, as Czech students knew, around some

local centres, and if Knighton tells us¹ that half the people you met were Lollards he is speaking of a district around Leicester and Lutterworth. But his condemnation, especially after the Council of Constance, gave the English Church and its rulers a ready test and a ready-made definition of heresy which they had not had at hand before. As a great Englishman we must respect him, as a medieval thinker we must be interested in him. He and his career were more typical of his time but less decisive in action than was thought before. To this judgement, towards which we were otherwise tending, the new materials compel us. But at the same time they deepen our conviction of his intense spiritual earnestness and his truly evangelical fervour; thence came his dominating wish for wide many-sided reform. But the world seemed hopeless: shut out from his beloved Oxford, unfit for the political strife he had known of old, he turned away from the men of high place and political power; he turned in an appeal with his pen and through younger men to the simple and unlearned, English like himself; as he did so he perhaps found peace for his restless mind in the country quiet and his pastoral work.

J. P. WHITNEY.

ADDITIONAL NOTE

Since this article was in type Dr. Workman's *Life of Wyclif* (Oxford, 1926, 2 vols) has appeared, the fullness and thoroughness of which is no surprise to readers of his very useful *Age of Wyclif* (London, 1901). Very important is his note, *Addenda et Corrigenda* (ii. 423-4), on the Society's *Miscellanea Philosophica*, about the ascription of the ten tracts to W. The material for the note was supplied by the Rev. Dr. S. H. Thompson at Prag, who considers that only two of the ten are by W.

¹ *Chronicon*, ii. 191 (Rolls S.).

While I am not inclined to follow the editors of the philosophical works as closely as I should follow Dr. Loserth in his editions, I am not disposed to put much confidence in Hussite attributions to later Hussite writers. Huss and his followers used W.'s material largely.

On the date of the *De Citationibus Frivolis* (note 2, ii. 315) I cannot follow Dr. Workman in his agreement with Buddensieg rather than with Loserth (see above, p. 101, note 5): when Loserth says the Eucharistic passage is a later insertion, I assume him to be speaking from the MS.

Data about facts are often inaccurate in Wyclif: e. g. the estimate of the average clerical income at 1,000 marks (*De Simonia*, p. 88). So, too, the estimate of 60,000 scholars at Oxford (*De Ecclesia*, p. 374). There is an interesting mention of an earthquake in 1381 (*Op. Min.*, p. 359). Dr. C. Davison, the most competent expert, tells me that he knows no other reference to this: the shock in 1382, which broke up the Council at Blackfriars, was probably the most severe and widespread on record. W.'s words (*visus est in Anglia . . . et perceptus est per alia multa loca*) suggest a confusion of date.

HISTORICAL REVIEWING

IT is always presumptuous to lay down rules or even to give advice about how any particular kind of literary work should be done, and this is as true of reviews as it is of sonnets or blank verse. Yet most historians belong either to the class of reviewers or to the class of the reviewed or to both; they often form opinions about what a review should be, and these opinions conflict. It may therefore not be useless to draw attention to some such opinions, and even to suggest how some of the disagreements may be decided. The subject is very different from those of the other papers in this volume, but it is not out of place in a tribute to one who for thirty-six years played a part, and during most of them the leading part, in organizing the work of historical reviewers in England and helping them to establish their methods and standards.

The practice of publishing in periodicals reviews of new books is one of those blessings of civilization which were not known in the Middle Ages or in antiquity. It is usually, and I believe correctly, said to have begun with the French *Journal des Sçavans* in 1665.¹ What this journal provided met the needs of the reading public at that time so well that it was translated or imitated within a few years all over Europe. Early in the eighteenth century the custom had taken the place it still holds, and by the time of Dr. Johnson the two main kinds of reviewers, as we still know them, were easily distin-

¹ Hallam, *Literature of Europe* (6th ed.), iv. 308-9; *The Athenian Mercury*, 1690-1, Preface.

guished. 'The Critical Reviewers, I believe,' Johnson said, 'often review without reading the books through; but lay hold of a topick, and write chiefly from their own minds. The Monthly Reviewers are duller men, and are glad to read the books through.'¹ Though one of the writers of the *Critical Review* was Smollett, the great days of English reviewing had not yet come. It was in the early nineteenth century that the reviewer reached the height of his authority and, on the other hand, became an object of frequent satire in verse and prose: the *Edinburgh* was founded in 1802 and the *Quarterly* in 1809. The later development of reviewing in England, including that special branch of it which is our concern, is best understood if it is regarded as carrying on and modifying the tradition of that period.

Anonymity was one of the principles of those days. It was not the individual critic who spoke, but the impersonal organ, not Macaulay, for instance, but the *Edinburgh*. Experience has shown over and over again that in political journalism a much greater and more concentrated influence can be gained and exerted by unsigned articles than by signed. A few names may carry weight, but it seldom happens that one periodical can command more than a few which convey anything to a general public. It is therefore advisable that none should appear. This was probably never equally true of literature. Readers of books are less likely to accept an opinion without knowing whose opinion it may be than are those who merely follow political parties. But there was some analogy between the political power of a newspaper and the power which a periodical might exercise in dictating judgements in matters of literary taste. There are still

¹ Boswell, 10 April 1776.

literary periodicals of very great merit which allow no indication of authorship, and doubtless this brings them some of their popularity and power. But the resemblance between reviewing and journalism becomes fainter when the criteria of scholarship or science are to be applied. If a chemist or a historian makes a close examination of a work on his own subject it may, to be sure, be done so well as to convince every attentive reader and leave him indifferent as to the name of its author. More often, however, the reader will wonder whether the reviewer deserves his confidence. In a single critique, especially if it is short, he will have little chance of showing his general acquaintance with the subject or the amount of his training in that kind of study. If he signs his name he may not immediately tell the reader very much, but he at least enables him to find the answer to these important questions. In these matters it is the signed review that is authoritative, or, which is better, it is the signed review that gets no less and no more authority than it deserves. For the purpose of specially historical reviewing, therefore, it is desirable that the writers' names should always appear. There are wider advantages in this which need here only be mentioned shortly, what may be called moral advantages. Signed reviewing is more responsible. It may for that reason make greater demands on the reviewer's courage. Sometimes there are personal factors which justify the suppression of the name of a hostile reviewer. The unpleasant consequences of making his name known may be too serious. But when a writer praises a book and desires to remain unknown, it is less likely that his feelings deserve to be
• respected.

This division of reviews into favourable and unfavour-

able is the most familiar classification of them. The first question which most people ask about a review is whether it is favourable. In the old days it was popularly supposed that reviewers were, usually from discreditable personal motives, the enemies of authors. The normal review was supposed to be the slating review. Opinions differ nowadays about the reasonableness of that system. Some good authorities think that there is too much indulgence in learned reviewing in England now, and that the exacting standards of true scholarship would be better upheld if we went back to the unsparing condemnation of bad work which was commoner a century ago. No doubt there are sciolists and pedants and plagiarists and other malefactors who get off too lightly; but, if I may express a personal opinion, I am convinced that the damning review does more harm than good. It may be perfectly just and yet defeat its own purpose. When a reviewer uses intemperate language or even courteous language of very great severity, it nearly always happens that the victim and his friends, instead of being submissively persuaded of error, are indignant and retaliate by straining every nerve to find fault with the reviewer. Unhappily it is difficult absolutely to avoid leaving any loophole for criticism, and once controversy begins, with its misunderstandings and tricks and convolutions, it is very likely that the sound standards instead of being vindicated will be obscured. Personal contests and rivalries make much more amusing reading than calm discussions, but they do less to advance knowledge. The softening in the tone of reviews is a result not only of a general mildness of manners, but also of long experience which has shown that fierceness, besides making 'errour a fault and truth discourtesie', is a false friend to science.

Except in the very rare instances where it is really necessary to explode a false reputation or to expose the unworthy methods by which it has been gained, the best way to deal with really bad books is to ignore them. A periodical which started out with the intention of noticing all the books published even in one country in a wide subject like history would fail to do so. The weaknesses of human nature would be too much for it. If it set before itself the more modest plan of noticing those which had some real importance, it would have a better chance. The promoters of new periodicals sometimes think that, in order to encourage publishers to submit their books for review, they should be careful to notice every book that comes. That is a mistake. With a little tact and good management it is possible, by giving really careful treatment to those which merit notice, to make publishers indifferent to the number passed over. That may appear to be a point of business management rather than one that should interest a historian or a man of letters; but this whole affair of reviewing is affected at every point by such considerations of practical interest. To make the system work, the reviewer must co-operate with the publisher and yet must not write puffs, he must serve the public and yet be fair to the authors, he must, in short, be the master of more temper and judgement than most men, even most historians, can be assumed to have conferred on them by unassisted nature.

A clear idea of his function will help him much, and the classical English reviewers had one of the clearest possible views of it, the view that it was judicial. That partly explains their severity: the *Edinburgh* still has for its motto, *Judex damnatur cum nocens absolvitur*. It also explains a difference between English and foreign practice

at the present day. In England the reviewer is expected to keep his independence much as a judge keeps himself aloof from the parties in a suit. Editors of periodicals do not welcome suggestions of suitable reviewers for particular books, and when such a suggestion comes from the author of the book himself, it is almost certain to have the effect of preventing the employment of the reviewer he names. An extreme statement of the old view that there ought to be no contact whatever between authors and critics may be found in Anthony Trollope's *Autobiography*. In principle, it seems to me, the proper pride of authors and reviewers alike would point the same way in the more specialized sphere of historical reviewing; but here some degree of compromise is necessary, because English historians are a small community with many personal and social links which are necessary for their studies, so that it seldom happens that the reviewer competent to deal with an historical work is quite unacquainted with its writer or quite indifferent to his feelings. There are, however, one or two rules which have been found useful in adjusting this difficulty. It is better that one resident in a university should not be entrusted with the reviewing of a book by another resident in the same university. A former pupil had better not review his teacher, and vice versa. When the higher education of women was still a cause to be fought for, it used to be held that one lady should not review another: that rule is perhaps obsolete now. No one who is mentioned in the preface of a book as having taken any substantial part in its composition is likely to be sufficiently impartial to give the best independent judgement on it. These good rules are applications of the English principle of impartiality. They are not much regarded in some other countries,

where a closer contact between reviewers and authors is usual. Continental authors sometimes write to suggest the names of reviewers for their books, sometimes go further and send the book to some authority on the subject desiring him to review it if and where he can, or to review it in some specified periodical. Continental reviewers seem to volunteer reviews of books more often than English, and one reason why editors are apt to be suspicious of such offers is that they frequently result from correspondence between the reviewer and the author. It is not for me to say which system is better, but I may without offence give my opinion that the two do not well combine, and that the English custom gives a reader a better chance of knowing the real character of what is put before him.

A word may be added about one other point in the etiquette of reviewing which is sometimes thorny. Reviews are published in periodicals and periodicals must have editors. What are the relations of the editor and the reviewer? Clearly the editor must have a degree of control over what is to be published proportionate to his legal responsibility and to his moral responsibility. He must have the right to exclude what is libellous or inaccurate in fact or patently unfair or contrary to accepted canons of taste. There can be no dispute about that. Where a doubt comes in is about his further rights. In matters of mere form such as spelling and verbal usage he must have the power to introduce uniformity among the various contributions from different pens, but does this extend to any control over expressions of opinion? Reluctantly I have come to the conclusion that in contemporary historical reviewing in England this is not a practical question but merely 'academic'. There is

still so little agreement among English historians about their methods and about the position of history in the general body of knowledge that no general historical periodical can be conducted without including reviews written from widely divergent points of view and applying very different criteria. To take definite instances, there is still a gulf between the 'literary' and the 'scientific' schools, there are still disagreements between 'political' and 'institutional' historians; but it must happen that, whichever of these tendencies an editor favours, he must seek the collaboration of reviewers who disagree with him. He must publish side by side two reviews which allot praise and blame on different grounds. To smooth over these disagreements in the attempt to produce an apparent uniformity would be misleading. Complete uniformity will never be attained as long as historical studies are really alive, and, especially in the system of signed reviews which I have already advocated, the best way of furthering the kind and degree of uniformity which is really desirable is to allow each reviewer to speak for his uncensored self.

The reviewer's task is to indicate what are the contents of a book and what he thinks of them, what the author attempted, how far the attempt was well-advised, and how far it succeeded. He may do more than this. There are some distinguished historians who try, whenever they write reviews, to include in them some positive, original contribution to knowledge. There are even some whose learning is so great and so ready that they cannot write anything at all without illuminating the subject. It would be too much to expect this of reviewers in general, and a word of warning may even be uttered about the dangers of trying to imitate this admirable example. Occasionally

really important discoveries announced in this incidental way have not attracted such wide attention as they deserved and have been forgotten, so that other inquirers had to make them afresh. It would have been better to keep them for some more ostentatious form of announcement. If the reviewer restricts himself to his narrower task, he has enough to do. Two small questions about this are sometimes discussed. Is it useful, first, to summarize the contents of the book? Summarizing is easier than criticism. It is a way of preserving neutrality and avoiding the expression of opinion, so that reviewers are often tempted to resort to it. There are some readers who find it very useful, though opinions differ about this, and many reviewers do not seem to know how much of the real work of a summary may be done far more briefly by a descriptive statement of a book's contents. Summarizing is sometimes, in these days of dear printing and paper, impossible unless something is sacrificed from the space given to criticism; and if there must be a choice between the two, the latter, as being what the reader is less likely to be able to do for himself, should be preferred. The second question is how far a reviewer should point out and correct the mistakes in a book. Some reviewers regularly point out trivial misprints and slips, and nothing is more disappointing and irritating to an author than to be faced with a review consisting mainly of these pin-pricks. Sometimes they result from timidity: some reviewers do not like to say that a book contains many misprints and small errors without enumerating enough to justify the statement. A slightly different, but not more respectable, motive is the fear that the reviewer, if he does not notice them, may be supposed to have overlooked these errors. Where there is any doubt it

seems that the best guiding principle to take is the simple one that mistakes should be pointed out in such a way and with such an amount of detail as will best prevent a reader from being misled.

A more important formula, which is often useful to historical reviewers when doubts arise about the best way of going to work, is this, that the review of a book should above all indicate its place in the literature of the subject. The difference between the state of mind of the trained historian and that of the general reader is that the historian regards an historical source or study not as an isolated body of information, true or false, but as occupying its own place in a vast but not trackless or incoherent aggregate of books which together constitute what is known on the period or subject in question. What enables him to find his way about in this accumulation of materials is the double knowledge that every historical statement comes from somewhere, has had an original source, and can never by any subsequent process acquire any better title to belief than those sources had themselves, and that every historical book is to be regarded in its relation to the sources of the statements and judgements contained in it. What he specially wants to know about it is whether the author has used new materials or made new and more correct interpretations of old materials. If he has done either of these things, he has contributed to historical knowledge. If there is nothing new in the book it is of no historical value. Whether there is anything new and how much, and what it is, and how it affects what was previously known, are the main things which the student of history wishes to be told.

In conclusion I should like to continue the same line of thought by saying that no study can gain more from

good reviewing than history. History is provided by a great army of workers, an army to which in a sense almost the whole population belongs, and the reviewer is one of the 'pivotal' men in the organization. As everybody knows, the first step in giving the world its history is the selection of materials, and we all play a part in this selection, deciding what things are to be preserved and what are to go irretrievably to oblivion. When we fill up the counterfoils of cheques or destroy the envelopes of our morning mail we are giving or taking away materials which may or may not, as we then decide, be of use to historians. That is the first of many siftings, and to describe the entire machine would be to describe the world of living men. If we look at the whole available mass of information about the past, we see that there have been two kinds of choosing. Sometimes the selection has been deliberate, as when government departments decide which of their records to file and which to burn; sometimes it has been quite haphazard. Much of it has been done by fire and earthquake and civil disturbance, and, of that part which has been done not by chance but by foresight, much has been for other needs than those of the historian. We owe a great deal to family pride in all ages; we also owe much to the negligence of scavengers. The final stages of selection are always being done by historians and their readers, but the historian is only one of this imperfectly organized army in which booksellers, librarians, publishers' readers, the makers of pulping machines, and thousands of others have their respective functions. The reviewer is a liaison officer between several of these groups. His work will contribute to decide not only who will buy or read a book, but also how far it will be accepted, what place will be assigned

to it in the advance of historical studies. He works under conditions which make it likely that what he has written will not be consulted many years after he has written it. Not many reviews are collected and reprinted in book-form like those of the great masters. But even if reviews come low in what is, after all, never more than a relative scale of permanence, their work is not less important for that. The better it is done, indeed, the more quickly and finally it should be superseded. It turns the march of historians into the right roads and breaks up the ambushes of error; but the sooner it is left behind, the more certain it is that the advance guard has gone forward.

G. N. CLARK.

AN INCIDENT OF THE DECIAN PERSECUTION

TWO letters, in a vulgar Latin worthy of Trimalchio and presenting many difficulties, tell the story of two Christian women who denied their faith at Rome in the year 250, of their desire to be restored to communion, and of the effort made on their behalf by two singularly self-complacent confessors. They are numbered xxi and xxii in the Cyprianic collection.¹

The women were named Candida and Tecusa. The latter bears an uncommon but not unique name. Like Auxanusa it was meant to augur a prosperous future for the child. She would not only grow up but become a happy mother. One pagan Tecusa at Hadrumetum is recorded on her tombstone to have disappointed the expectation; she died at five.

When the carefully planned persecution began at Rome at the beginning of the year it took the apparently harmless form of a command by the Pontifex Maximus that all heads of households should appear before magistrates at specified places, one of which at Rome, as we learn from these letters, was the Capitol, should there offer incense, pour libation, and taste the roasted flesh of a victim. They were then to receive a certificate, attested by the magistrates, of their compliance. Several of these *libelli* have been found in Egypt, and from Cyprian's writings we are well acquainted with the whole procedure, which was certainly uniform throughout the empire.

¹ A good edition has been published by P. M. Meyer in the transactions of the Royal Prussian Academy, 1910.

This was the first stage. At the next the police came into action. House by house they demanded the certificate. If it were handed to them, they had no more to do. The action of the householder covered all the inmates, and even all dependents. In a passage which students of Roman law seem very generally to have overlooked (Ep. lv. 13) Cyprian, after the persecution was over and when he was trying to find reasons for restoring the lapsed to communion, speaks of men who risked their soul to save wife and family and household, and who saved their *inquilini et coloni* by the same denial of their own faith. If, however, no *libellus* could be shown, the householder was at once arrested, and the police made inquisition into the religion of all who belonged to him, or her, for a woman, like a man, could be on the *album* of the place. But the police were at once in a difficulty. Roman law knew no sentences of imprisonment for a definite period, and therefore its prisons were merely places of detention till trial. It was not contemplated that more than a few cells would be needed, and so with the Decian persecution, the first systematic attempt to deal with the Christians, the system broke down. It was impossible to confine all who had no certificates, and perforce the great majority were released to await their trial. Hence many escapes, for there was no extradition between province and province, each confining its attention to its own culprits; and also many tragedies of refugees—*extorrentes* in the vulgar Latin of the time, for *extorres*—who lost their lives or endured hardship in their flight across deserts which separated the towns of Africa and Numidia.

It was fugitives of the easier kind that led to this correspondence. Carthage was in constant communica-

tion with Rome, and no fewer than sixty-five, it is not clear whether in one boat, were met on their landing at Portus, carried to Rome, and maintained there to the day of writing, by Candida and Tecusa. Evidently they had means, but we must remember that the doctrine of the time, as taught by St. Cyprian, was that Christians must exhaust their capital in their lifetime, which might be very brief, for the end of the world was at hand. Cyprian himself had no scruple about enjoying his own wealth after the manner of his class; sin would begin if he started saving. But since we are told that the refugees were lodged in the houses of the lapsed women, they must have had spacious accommodation. Was it in ware-rooms or workshops attached to their homes?

The Roman confessors, for to this dignity their refusal to sacrifice had raised them, although they had not stayed to face their trial and receive their prize, were now in perfect safety, and were grateful. They wished to reward their guardians. And these were in dire need. Candida's was the worse case; she had sacrificed. Tecusa had not gone so far. She had started for the Capitol to commit the deed, but half-way up the steep slope from the level of the Forum, at the shrine of the *Tria Fata*, she had changed her mind and gone down again. But not to face the risk of being found without a *libellus*. She bribed, in order to escape sacrificing. No doubt she followed the common plan of paying for a certificate that she had done the evil thing; the clerks of the court were quite ready, for a consideration, to commit the forgery. Her misconduct prompted Celerinus, one of the confessors who pleaded for her, to a doleful play upon words. He dubbed her Numeria, *quia pecuniam numeravit*: 'I called her the Countess, because she counted down her money.'

Since the two sisters, whether such only in the Christian sense or otherwise, had so misconducted themselves, the *praepositi* of the Church, no doubt the body of presbyters, ordered that they should be excluded from communion till a new bishop should be in office; Fabian, the last, had suffered martyrdom on the 20th January.

But this seemed hard to the Carthaginian exiles who were enjoying their hospitality. Such rigour might be the custom of Rome, but Carthage cherished a tradition that there was, in such emergencies, a power that could overrule, or at least weigh heavily with, the constituted authorities. It was that of the confessors. Confessors had hitherto been few in number, for persecution had been local, and for a generation had almost ceased. Being scarce, and having always risked their lives and often suffered torture, they were held in peculiar honour. They, and they alone, had seats in the congregation with bishop and presbyters; the rest, from deacons to laity, must stand. They were the 'friends of God'. Tertullian says that penitents must *presbyteris advolvi et caris Dei adgeniculari*. Eusebius in his panegyric at the opening of the church of Tyre addresses himself first to ὁ φίλοι Θεοῦ καὶ ἱερεῖς. Since they ranked with the higher clergy their confessorship was a kind of ordination. Sometimes we hear of an order of martyrs (not till the Decian persecution was well over did men draw the technical distinction between martyr and confessor), but confessorship is also regarded as equivalent to the recognized order of priesthood, as in that strange *Testamentum Domini*, an ideal constitution for a church, which dates from the time when persecutions lay in a still recent past. In any case, confessorship was the highest of honours that the living could enjoy, and was in some sense an ordination.

At Rome and at Carthage were two confessors who were very willing to make the most of this authority. At Rome was Celerinus, of a family of martyrs. His grandmother Celerina had suffered death ; so also uncles of his on either side, Celerinus and Egnatius, military martyrs who, it has been plausibly conjectured, were the heroes of Tertullian's *De Corona*. Celerinus was conscious of his dignity ; *si fuero dignus Celerinus audire* ; and Cyprian was dangerously lavish in his heightening of the honour of such an ancestry, no doubt giving voice to general opinion. The heads of the two men were turned, one by personal glory, the other by hereditary as well as personal. At Carthage Lucianus had confronted a judge who was probably the proconsul of Africa. In what we may almost call mock-modesty he describes himself as one *qui apud pusilliores nomen Dei cum timorem confessus sum*. For his credit was as nothing compared with that of Celerinus, who had bearded the emperor himself and held his ground. It is an important datum for the chronology of Decius that he was in court at Rome at a date between January and Easter, 250. An emperor, if he chose to be present, could preside at any public function, civil, military or religious, and it was natural that Decius should wish to watch the course of the persecution he had instituted. How Celerinus came before him we do not know. He must have been an inmate of some Christian household, the head of which, by abstaining from the sacrifice, had made his whole establishment suspect. Upon inquiry Celerinus will have avowed his faith, been arrested, and brought before the court. In the case of both confessors the procedure was the same. They were tortured, when they professed their Christianity, in order to induce them to deny it. Thus, as one of them says, they attained

the *floridiorum ministerium*. The metaphor was growing popular. Cyprian, with his Corinthian eloquence, has too much to say of the lilies of virtue and the roses of suffering. Perhaps he did not invent the thought, but he brought it into literature, and may be regarded as an indirect ancestor of Swinburne.

When confessors persisted in their faith, it was usual for the judge to remit them to prison, to think over their fate. Often enough, shaken by torture, they gave way, and so the court, as it desired, was able to acquit them. When, by their own evidence, they were pagan no one was concerned to go into their past, and the charge of Christianity fell. It was with this purpose that Decius sent Celerinus back to his cell. But Lucianus's version is that Celerinus put the emperor to shame and fear; we may rather think that Decius, as a soldier, knew a brave man when he saw him, and gave him another chance. But Celerinus was to make a different use of his respite than that of contemplating surrender. With death imminent, for he might at any time be summoned to appear again in court, he took up the case of Candida and Tecusa. It was one of the troubles of the day, of which Cyprian had painful experience, that the confessors grew presumptuous, holding that they had the right to dictate. Now the opportunity for a successful interference seemed to have come. Celerinus, a visitor in Rome, did not feel that his position was strong enough for him to dispute with the presbyters of Rome; but the confessors of Carthage might speak with authority. So he addresses Lucianus, and with a grotesque subservience such as educated people neither used nor accepted. The two are *Domine frater* to each other; and *dominus* had not lost its ignominious meaning. He speaks reproachfully; his

honoured friend on the verge of martyrdom has not deigned to send him a letter or a message. But, in a distress which drives him to fast in sackcloth and ashes even through Easter, he writes for aid from the expectant martyrs of Carthage. Lucianus is as fervent in exaggeration as his friend. Celerinus had expected much: *te super ipsos factum antistes Dei recognovi idem minister* had been the words of his appeal. 'I, myself a deacon, recognize thee as raised above God's bishops themselves.' There is no difficulty, in this Latin, about *antistes* as the plural, after the analogy of *sedes*; and instances of *idem* for *ipse* can be found. Celerinus with due modesty arranges those who have received the ordination of confessorship in their appropriate ranks. He is a deacon; *minister* came near to ousting *diaconus* in the technical sense, as in St. Ambrose's famous account of St. Laurence, from whom, however, a Vatican librarian, Signor Franchi de' Cavalieri, has stripped much of the romance by explaining that the gridiron is due to the loss in the primitive record of the first letter of *passus*. Lucianus is a bishop, and so on Cyprianic principles can exert his authority where he will. *Antistes* in the third century is also a *terminus technicus*.

But if Celerinus's expectation was high, it must have come as a surprise to him to learn that everything had been done. There was no need to ask a favour which had already been granted. In the heated atmosphere, physically and morally, of the Carthaginian cells, the ultimate conclusion had been drawn. The words in which Lucianus describes the Black Hole in which the confessors were penned are inarticulate and ungrammatical. It would be irreverent and psychologically unreasonable to correct their Latin, and this is not the place

to discuss the details of persecution that are revealed. The effect of it all had been to strengthen their confidence in their Master, and in themselves. They were serving Him well, and they could trust Him to honour any draft they might draw upon Him. The power of living confessors was great; much greater must be that of martyrs who had made the full sacrifice. Their wishes could not be disregarded. But they must have made known before their death whom they desired to favour. And this had been done; a remedy had been provided for the sinful ladies of Rome. 'While the blessed martyr Paulus was still in the body,' writes Lucianus to Celerinus, 'he called me and said to me, "Lucianus, before Christ I tell thee, if any one after my summoning ask peace of thee, give it in my name".' His example had been followed by all the confessors in prison at Carthage. By a general agreement all granted peace to all who needed it. The dispensation of the favour was in the hands of the survivors. All that the lapsed needed to do was to tell their story to the bishop and make public confession of their sin. The dead martyrs did the rest; authority and responsibility was taken out of the hands of the church's officers, and they who found favour in the eyes of those who were entrusted with the administration of this privilege were automatically restored to communion.

Celerinus was wise enough to reject the offer. Before long he was to become one of the clergy of Carthage, and to be praised in the highest terms by Cyprian. Lucianus, in the only further notice that we have of him, was attempting in opposition to Cyprian to use this doubtful privilege. Let us hope that he came to a better mind, and that Candida and Tecusa had patience to await their lawful readmission to their church rights at Rome.

They had played a definite part in an important struggle. By their case, and doubtless by that of others in like circumstances, a clear issue was raised between regular and irregular authority in the Christian Church, and the regular won the day.

E. W. WATSON.

LINDSEY AND ITS KINGS

THE appearance of the kings of Lindsey among the Old English dynasties which claimed descent from Woden cannot easily be reconciled with the little that is known of the early history of this region. The kings of Lindsey play no independent part in the recorded wars of the seventh and eighth centuries. Their existence is ignored by Bede, Aeddi, and the anonymous Northumbrian biographer of Gregory the Great. Bede, for example, in recording the conquest of Lindsey by Ecgfrith of Northumbria and its recovery by Æthelred of Mercia, makes no reference to any local king or ealdorman.¹ No one would learn from the *Historia Ecclesiastica* that Lindsey was ruled by kings of no less noble ancestry than Ecgfrith and Æthelred themselves.

Nevertheless, the fact is certain. In the familiar list of English dynasties printed by Sweet,² which comes in its present form from the second decade of the ninth century, a list of names with the imperfectly legible heading *Lind . . ar . . a* is inserted between the genealogies of the kings of Mercia and Kent. The attribution of this list to Lindsey is made certain by its appearance in the set of genealogies compiled by the author known as Florence of Worcester under the heading *Genealogia Lindisfarorum*.³ The only material difference between the two lists is that while the ninth-century text carries the descent beyond Woden through a set of mythological

¹ *Historia Ecclesiastica*, iv. 12.

² *The Oldest English Texts* (Early English Text Society), pp. 169-71, from Cott. MS. Vespasian B vi.

³ *Chronicon ex Chronicis*, ed. Thorpe, i. 253.

names to Godulf Geoting, Woden stands at the head of the pedigree given by Florence. So far as they relate to times which may be regarded as historical, there is no discrepancy between the lists.¹

In its ninth-century form, the list runs Aldfrið Eatting Eatta Eanferðing Eanferð Biscop Biscop Beding Beda Bubbing Bubba Cadbæding Cædbæd Cueldgilsing Cueldgils Cretting Cretta Uinting Uinta Wodning Uuoden Frealafing Frealaf Frioðulfing Frioðulf Finning Finn Goduulfing Godulf Geoting. With the six names beyond Woden this paper is not directly concerned. It may, however, be observed that every other genealogy in Sweet's text ends with Frealaf, the father of Woden. It is possible that the extension of the Lindsey genealogy means that the original compiler of the genealogies was particularly interested in Lindsey. He may have been a Lindsey man, and to this may be due the preservation by him of the genealogy of the obscurest of English dynasties. In any case, the high antiquity of the genealogy cannot be questioned. It is sharply alliterative. The whole series of names between Beda and Woden has an archaic character. Cweldgils and Cædbæd, the two compound names which occur in this portion, are unique, only one other example of Cretta has been recorded, and Winta, though undoubtedly a genuine name, is otherwise only known from its occasional appearance as an element in local nomenclature.² There can be no doubt that a series like this represents a genuine tradition.

¹ It is natural that Florence should substitute the Saxon form Ealdfrith, which was normal in his day, for the Anglian Aldfrið of Sweet's text.

² The name Cretta occurs in the *Liber Vitae* of Lindisfarne. It is related to the personal name Cræta which forms the base of Creting, Suffolk, discussed by Ekwall, *English Place-names in -Ing*, pp. 72, 73. Winta forms the first element of the place-names Wentworth in Yorkshire

But although it is obviously an ancient record, the Lindsey genealogy has hitherto been of little use to students of Early English history. As no king of Lindsey is mentioned by any early writer, the chronological position of the whole series has remained utterly uncertain. There has, for example, been no material for determining whether Aldfrith, the last king in the list, was living at the beginning of the ninth century or more than a hundred years earlier. It might, indeed, be inferred from the character of Bede's references to Lindsey that the line was extinct or insignificant long before the end of the seventh century. The inference would be unsafe, for Bede was not in any way concerned with the internal condition of Lindsey, and argument from his silence, always dangerous, is particularly so when applied to the history of the smaller English kingdoms. Nevertheless, until the Lindsey genealogy has been brought into some chronological relationship with the general course of English history, the silence of Bede undoubtedly supplies a reason for regarding it as an archaic record, handed down by tradition into a time when all the names which it includes were otherwise forgotten.

and Cambridgeshire. The name Wintra, borne by an abbot of Tisbury in the eighth century, is probably derived from Winta by the addition of an -r suffix. Apart from the Lindsey genealogy, there is only one independent example of the name Bubba, which occurs in a Kentish charter of 779 (*Cartularium Saxonicum* 228). An eleventh-century example quoted by Searle in the *Onomasticon* is only a 'by-name'. It is derived from the Suffolk Domesday (ii. 323b), where it is appended to the personal name Brictmar (O.E. Beorhtmār). The name Bubba occurs occasionally in place-names, such as Bubbenhall, Warwickshire, and Bubenell, Derbyshire. Personal names of this type, which go back to a very remote time, are discussed by Napier and Stevenson, *Crawford Charters*, p. 51, and in the Introduction to the *Survey of English Place-Names*, i. 174.

The internal evidence supplied by the names themselves suggests a different conclusion. As the name Biscop is merely the Old English loan-word *biscop* used as a personal name, a king of Lindsey who bore it cannot well have been born before the conversion of this region, begun by Paulinus shortly before 631.¹ The evidence supplied by one of the earlier names is no less conclusive, and is in itself of quite unusual interest. In view of recent discussion, it seems certain that the first element in the name Cædbæd is the British *cad*, 'battle'.² The same element enters into other ancient English names, notably the Northumbrian Cædmon and the West Saxon Cædwalla. Its appearance in the Lindsey genealogy is a good reason for inferring a certain amount of intercourse between the Britons of Lindsey and their Anglian conquerors. It has a further interest as supplying a

¹ The most famous bearer of this name, Biscop Baducing, better known as Benedict Biscop, was, apparently, born in 628, three years after the mission of Paulinus to Northumbria, and a year after the baptism of King Edwin. It is safe to assume that the conversion of the noble Northumbrian family to which Benedict belonged would not be long delayed after the king had received Christianity, and it may be suggested that the bishop from whom Benedict derived his name was no other than Paulinus himself. It should be added that the resemblance between Benedict's original name, Biscop Baducing, and the Biscop Beding of the Lindsey genealogy is only superficial.

² The most recent study of the personal names which contain this element is contained in the article 'Keltisches Wortgut im Englischen' contributed by Professor Max Förster to the *Festgabe für Felix Liebermann*, pp. 179 *et seqq.* The name Cædbæd is not quoted there, probably because it is a hybrid formation with the English *bæd* as its second element. The latter is very rare, but there is sufficient evidence to prove its employment at an early date. It occurs in the names Helmbæd, recorded in the *Liber Vitae*, and *Wulfbæd, from which the Sussex place-name Woolbeding must be derived. Hybrid formations like Cædbæd are so rare as to suggest that very exceptional conditions must lie behind the appearance of an example in an ancient royal genealogy.

parallel to the Celtic element which has been identified among the personal names borne by members of the West Saxon royal house. The criticism which has been passed upon the West Saxon genealogy on account of the Celtic origin of the name Cerdic is seriously discounted by the appearance of a Celtic element in the genealogy of another royal house, in a remote part of England. But, from the present standpoint, the chronological implications of the name are more important than its character. Anglian personal names which include a British element cannot have come into being before at least temporary relations had been established between the two races. They are most likely to have arisen in the first years after the Anglian settlement, when the future of the invaders was still uncertain, and temporary peace might be secured by intermarriage. In any case, it seems clear that the Cædbæd of the Lindsey genealogy, the fourth in descent from Woden, belongs to a time subsequent to the establishment of his kin in England.

At this point there may be introduced a piece of evidence from an unlikely quarter which, if it can be trusted, goes far towards determining the date of Aldfrith, the last king in the Lindsey genealogy. Among the early Sussex documents preserved in registers at Chichester Cathedral there occurs an undated charter of Aldwulf *dux Suth Saxonum* granting land to the church of St. Peter of Selsey.¹ The charter was made with the consent of Aldwulf's lord, Offa, king of the Mercians, and was attested by Gislhere, bishop of Selsey. A postscript which recites that Offa has confirmed the gift at the request of Bishop Weohthun is separately attested by a certain Ealdfrid, who signs as *rex*, without further style.

¹ *Cart. Sax.* 262.

It may be suggested that the Ealdfrid of this Sussex charter is identical with the Aldfrith whose name brings the Lindsey genealogy to a close.

The date of this charter cannot be precisely determined, for the eighth-century bishops of Lindsey are very obscure people. Gislhere, who attests the original grant by Aldwulf, appears as witness to a charter of Oslac *dux Suth Saxonum* dated 780,¹ and is known to have been present at a synod held at Brentford in the following year.² Osa, his predecessor in the see, attests a South Saxon charter of 770,³ and Tota, his successor, attests the decrees of the legatine synod of 786.⁴ It is clear that Aldwulf's grant falls within the period 770–86, but it cannot be dated more closely. The important postscript recording Offa's confirmation can be placed within narrower limits. Bishop Tota disappears from history after his attendance at the legatine synod, Weohthun, his successor, appears in 789,⁵ Offa himself died in 796. Offa's confirmation must have been made during the last decade of his reign.

Aldwulf's charter belongs to a group of early South Saxon documents which with one exception are only preserved in late copies. The exception is the charter of Oslac *dux Suth Saxonum*, to which reference has been made above. The original of this charter was discovered in 1892.⁶ It resembles Aldwulf's charter so closely that there can be no serious doubt that the latter represents a genuine eighth-century text. In both documents the grant is made directly to the church which was intended to

¹ *Cart. Sax.* 237, see below.

² *Cart. Sax.* 241.

³ *Cart. Sax.* 206.

⁴ *Cart. Sax.* 250.

⁵ *Cart. Sax.* 255.

⁶ Published in facsimile by Birch under the title 'The Anglo-Saxon Charter of Oslac, Duke of the South Saxons', and printed, not quite accurately, as No. 1334 of the *Cartularium Saxonicum*.

receive it, and not to any bishop or abbot intermediately. Both documents are attested by Bishop Gislhere, and both have a confirmatory postscript under the name of King Offa.¹ The postscript to Oslac's charter states that the confirmation by Offa was made at 'Yrtlinga burg', doubtless Irthlingborough in the modern Northamptonshire. The late copy of Aldwulf's charter which has alone survived does not contain any clause of this kind, but the fact that Offa could confirm a South Saxon charter at a site in the heart of Middle Anglia shows that there is no impossibility in the suggestion that a king of Lindsey might be in his company when he made another confirmation of the same character.

There are unhappily no means of proving the identification of the Ealdfrid who attested Offa's confirmation with the last recorded king of Lindsey, but the balance of probability is wholly in its favour. By the closing years of Offa's reign, the title of king had become restricted to a very small number of persons, all belonging to known and ancient dynasties. Within a year of Offa's death, Alcuin was to make the illuminating generalization that the ancient royal lines of the English people were almost extinct.² That Offa would allow the title to be borne by any noble whose ancestors had never used it cannot be imagined. It can safely be said that Ealdfrid must have been the head of a family recognized by all

¹ The postscript to Oslac's charter takes the form of an endorsement, written, as Birch observes, after the charter had been folded and endorsed with the names of the places to which it refers. The confirmation is written in a contemporary hand, so closely resembling that used in other documents issued by Offa as to suggest very strongly that the confirmation was composed by a clerk in the king's service.

² *Alcuini Epistola*, ed. Wattenbach and Dümmler, p. 371, 'Vix aliquis modo . . . ex antiqua regum prosapia invenitur'.

as royal, descended from Woden, and possessed of effective, if only local, power. Such a description could certainly be applied to the Aldfrith who comes at the end of the Lindsey genealogy. Until adverse chronological evidence comes to light from some quarter at present unsuspected it certainly seems wise to accept the identity of the two kings.

There is, unfortunately, no evidence to determine the date of Aldfrith's birth. That he was dead before the end of the eighth century is probable, for his name does not occur among the witnesses to any of the numerous charters issued by Coenwulf of Mercia.¹ If his birth may provisionally be assigned to the year 750, and an average of thirty years be assumed for each generation in the genealogy, the birth of Cædbæd will fall in 570, and that of Biscop in 660. However widely these purely hypothetical dates may differ from the truth, it becomes almost certain, if Aldfrith was living in 790, that Cædbæd was born after the Migration, that Biscop was born after the Conversion, and that Winta belongs to the fifth century. It is remarkable that the hypothetical dates agree

¹ It is important to note that Sigered, the last recorded king of the East Saxons, attests as *rex* a grant by Coenwulf to Beornmod, bishop of Rochester, in 811, and as *subregulus*, a grant by the same king to Uulfred, archbishop of Canterbury, in 810. The former, *Cart. Sax.* 339, is preserved in a contemporary text, the latter, *Cart. Sax.* 340, is only known from a copy in the thirteenth-century Lambeth MS. 1212, but seems genuine. These attestations by an East Saxon king to Mercian-Kentish charters strongly support the suggestion that on one occasion a king of Lindsey attested the confirmation by a Mercian king of a local South Saxon charter. The East Saxon dynasty was at least as noble and ancient as the line of the kings of Lindsey, and the appearance of a king of Essex at Coenwulf's court illustrates in a very interesting way the reality of his authority over the whole south of England. That Aldfrith of Lindsey should attend the court of Offa, a much more formidable person, would be in no way remarkable.

so well with the conclusions suggested by the nature of the names themselves.

It would therefore seem that the Lindsey dynasty, as a whole, belongs to historic times. If so, the fact that it is ignored by all early writers who refer to Lindsey must admit of some explanation which lies below the surface. It may be suggested that historians, both ancient and modern, have spoken rather too freely of a 'conquest' of Lindsey on different occasions by the kings of Northumbria or of Mercia. In view of the persistence of the local dynasty, it becomes probable that the events which are so described really amounted to little more than the acceptance of Mercian or Northumbrian overlordship by the kings of Lindsey and their immediate followers. It would, no doubt, be easy to minimize the significance of this change of allegiance. The new overlord would certainly take tribute, *feorm*, from the men of the region whose ruler had thus submitted himself. He would certainly hold himself free to reward his own followers, or endow his own priests with land in the subject province. But all this is compatible with the survival of the ancient local dynasty. The authority of a king of Wessex over his own people in the days before Egbert was little affected by his occasional recognition of an overlord in the king of Mercia or Northumbria.

Lindsey was a smaller kingdom than Wessex, but it was as large as other kingdoms which play an important part in recorded history. In the 'Tribal Hidage', Lindsey 'with Hæthfeld land' is estimated to contain 7,000 hides.¹ Whatever opinion may be held as to the

¹ *Cart. Sax.* 297. The name Hæthfeld survives in Hatfield Moors, Hatfield Chase, and Hatfield village between the rivers Don and Torne, west of the Isle of Axholme. Much of this tract must have lain under

size of the archaic Anglian hide, of which nothing is directly known, there is no question that the men of the eighth century regarded Lindsey as including 7,000 tribute-paying households. Such, according to contemporary opinion, was also the extent of the South Saxon and East Saxon kingdoms.¹ The evidence which suggests that in the eighth century Lindsey was still ruled by a line of kings claiming descent from Woden should not be ignored in any general view of the state of England in this age. Various reasons have combined to obscure the importance of Lindsey in early times. Little work has hitherto been done on the archaeology of the region under either Roman or Anglian rule.² The region itself lay apart from the main currents of the earliest English history. It produced no early historian, nor any saint whose life attracted a biographer. The obscurity of the early history of Lindsey is not remarkable.

In this obscurity the boundaries of Lindsey are often left vague by modern writers, as indeed they were by Bede. His statement that Lindsey is the first province

water in the eighth century, and the population established on the isolated patches of firmer ground which it includes can only have formed a very small part of the 7,000 families implied by the language of the Tribal Hidage. There is no evidence that 'Hæthfeld land' included any of the higher ground which rises to the west of Doncaster.

¹ In regard to Sussex the figure given by the Tribal Hidage is confirmed by Bede, *Hist. Eccl.* iv. 13.

² It is a remarkable illustration of this obscurity that the seat of the original bishopric of Lindsey cannot now be identified. It appears as Syddensis civitas in the list of bishops and clergy present at the council of Clofesho in 803 (*Cart. Sax.* 312). Like most of the earliest English bishoprics, it seems to have been placed on or near the site of a walled Romano-British settlement. Fragments of Roman walls can still be seen in Lindsey, at Caistor and Horncastle, but other important Romano-British settlements certainly existed in this region, though at present very little is known about them.

to the south of the Humber and extends to the sea,¹ though true, lacks precision. In particular, it throws no light on the important question of the boundaries of Lindsey towards the west and south. It is suggestive that all the places included by Bede within the *provincia Lindisfarorum*, Lincoln, Bardney, Barrow on Humber, and Partney, lie within the modern Lindsey, but they are so few that the coincidence should not be pressed, and the boundaries of the ancient kingdom, if drawn at all, can only be drawn in the light of later evidence.

It is fortunate that the region known as Lindsey in the twelfth century can be defined with absolute precision. The record known as the Lindsey Survey² proves that in the reign of Henry I it coincided with the modern Parts of Lindsey in the county of Lincoln. This evidence is important, for the compilers of Domesday Book seem to have regarded Lindsey and Lincolnshire as interchangeable terms. Throughout the description of Lincolnshire, whether the text refers to the Parts of Lindsey, Kesteven, or Holland, the face of each folio is headed *Lindesig*, and the reverse *Lincollescire*.³ The compilers of the Chronicle seem to have used the term Lindsey more precisely.⁴

¹ *Hist Eccl.* ii. 16.

² The place-names which occur in this record are identified in the recent edition published by the Lincoln Record Society, vol. xix (1924).

³ For example, folio 348 of the Record Commission edition of Domesday, vol. i, is headed *Lindesig*, although the subject-matter of the folio relates exclusively to Kesteven and Holland.

⁴ The passages in the Chronicle which refer either to Lincolnshire in general or to Lindsey in particular are too few to be of much service, but so far as they go they suggest that Lindsey was regarded as quite distinct from Kesteven and Holland. In the version of the Chronicle followed by Æthelweard, Kesteven, 'Ceoftefne' in Savile's text, appears as the name of a wood in the annal for 894. The employment of this forest name to denote a large and thickly populated region probably originated in the tenth century.

But the strongest argument in favour of the identity of the modern Parts of Lindsey with the ancient kingdom of that name lies in the division of Lindsey, in the narrow sense, into three ridings, which are strictly parallel to the famous divisions of the county of York.¹ There is every reason to believe that the ridings of Lindsey and Yorkshire go back to the first establishment of the Danelaw. If so, it is evident that the Danish settlers regarded Lindsey as wholly distinct from the southern regions which afterwards appear under the names of Kesteven and Holland.² And the most obvious explanation of this distinction is that the integrity of the ancient kingdom of Lindsey had survived the extinction of its dynasty, and was recognized by the invaders of the ninth century.

At this point the singularly definite boundaries of the modern Lindsey deserve consideration. Lindsey and Holland are separated by a wide stretch of fen, uninhabit-

¹ The ridings of Lindsey, like those of Yorkshire, first appear in Domesday.

² The fiscal evidence supplied by Domesday Book and later records suggests very strongly that Lindsey was regarded as distinct from Kesteven and Holland long before the Norman Conquest. The assessment of Kesteven and Holland to the Danegeld was far heavier than that of Lindsey. An analysis of the Domesday survey shows, for example, that a large number of villages in the two former regions bore the heavy assessment of twelve carucates, rarely, if ever, laid upon any single village in Lindsey. The distinction is expressed in precise terms in a remarkable entry quoted by Madox from the Pipe Roll of 2 John (*History of the Exchequer*, ed. 1711, p. 276): 'Homines de Ketstevene et de Hoilande reddunt compotum de c libris ut carrucagium de eis capiatur ut antiquitus solet capi, scilicet v caruce contra ii carucas de Lindeseia.' There is no evidence that any new assessment had been introduced when carrucages first came to be taken, and the *antiquitus* of the present entry carries the fiscal distinction between Lindsey on the one hand and Holland with Kesteven back to a time many years before 1200. It may well go back to the first assessment of Lincolnshire to the Danegeld, which was probably made in the first quarter of the eleventh century.

able in early, and indeed in medieval times. Almost as far as Lincoln the river Witham, the boundary between Lindsey and Kesteven, is flanked by a strip of fen some four miles broad. Beyond the city, the ancient canal known as the Fosse Dyke forms the boundary of Lindsey and Kesteven for nearly four miles. Thenceforward, the boundary, which now separates Lindsey from Nottinghamshire, passes irregularly over a belt of sandy country, much of which was only reclaimed in the eighteenth century, until it meets the Trent. For the next fifteen miles the Trent itself forms the boundary, which then curves westwards to include the Isle of Axholme within Lindsey. The course actually taken by the boundary as it crosses the Hatfield Moors and the low grounds between Trent and Ouse has been determined by slow processes of reclamation. In early times Axholme was a true island, more readily accessible from Lindsey across the broad channel of the Trent than from Deira across a wilderness of flooded moors. Finally, after devious meanderings, the boundary rejoins the Trent by way of the ancient channel of the Don, and so passes to the Humber, the great barrier between the northern and southern English already in the age of Bede. Among all the earliest English kingdoms, only Sussex is surrounded by more definite and formidable barriers than those which enclose Lindsey.

Within these boundaries there was ample room for the seven thousand tribute-paying households of the Tribal Hidage. Lindsey is a region of varied soil and contour, which at the date of the Norman Conquest was supporting a population far greater than this.¹ In part, no doubt,

¹ In some parts of Lindsey, especially on the Wolds, the population is at present much smaller than that of the eleventh century. Villages which

the vast population of Lindsey under the Norman kings resulted from the Danish settlement of the ninth century, and until more archaeological material is forthcoming it is dangerous to speculate about conditions in an earlier time. Nevertheless, the number and distribution of the archaic Anglian place-names which have survived the flood of Scandinavian immigration into Lindsey prove that the region had been thoroughly settled at a very early date. The conditions for the development of a large population were much more favourable in Lindsey than in Sussex.

Nevertheless, the insignificance of the part played by Lindsey and its kings in early English history is perhaps less remarkable than might at first appear. It amounts essentially to this, that no king of Lindsey in historic times was able to become independent of the stronger kings whose territory bordered on his own. In other words, no king of Lindsey ever obtained such a reputation for skill and success in war as to attract a body of companions with whom he could meet his formidable neighbours on equal terms. In this there is nothing strange. The retainers of the kings of the Mercians and Northumbrians must have been continually exercised in war, against the Britons of the west and the Picts of the north if not against other English kings. The kings of Lindsey, ruling an isolated territory in the east, could not easily win a reputation which would attract young nobles from other regions into their service. If they could claim Woden as their ancestor, they could not rival the prestige of the Mercian kings, with their descent

were populous at the date of Domesday are sometimes represented by solitary farms or by the foundations of toftsteads in what is now uninhabited wold.

from the ancient rulers of the continental Angel. It was a notable achievement if, as has been suggested in the preceding pages, they maintained themselves in possession of their local authority until the closing years of the eighth century.

F. M. STENTON.

AN ALLEGED CHARTER OF WILLIAM THE CONQUEROR

IT was remarked by the late W. H. Stevenson that 'an original charter of William the Conqueror is as rare as one of Æthelstan's or even of Offa's'.¹ More or less obvious forgeries far outnumber the genuine originals. It is therefore with much hesitation that one ventures to throw doubt upon the authenticity of a document which experts of the highest authority have been inclined to admit into this very select class. The document in question,² which purports to be a confirmation to Coventry Abbey of the gifts of its founder Earl Leofric, is familiar to students as the solitary representative of the Conqueror's charters in Messrs. Warner and Ellis's *Facsimiles of Royal and other Charters in the British Museum, William I—Richard I*, and is dated by them in 1070 with a query. It is short and for clearness' sake may be reprinted here, but without reproduction of its palaeographical peculiarities, the more important of which will be referred to later :

✠ Willelmus rex Anglorum Petro episcopo Cestrensi et Willelmo comiti filio Osberni et Hugoni comiti Cestrensi ceterisque Comitibus ac Baronibus, Vicecomitibus omnibusque fidelibus et ministris suis, Francis et Anglis, salutem. Sciatis me concessisse et dedisse deo et ecclesie sancte Marie de Couentrea et abbati Leofwino fratribusque eiusdem loci, ad victuale subsidium, omnes donationes terrarum aliarumque rerum omnium quas Leofricus comes pro salute anime sue ibidem contulit cum saca et socna, toll et team, sic solutas et liberas sicut pie memorie rex Æadwardus cognatus meus melius et plenius eisdem concessit et per cartas suas confirmavit. His

¹ *Eng. Hist. Rev.* xi. 722.

² Brit. Mus. Add. Charter 11205.

testibus, Odone Baiocensi episcopo, Gosfrido episcopo de Constantiis, Roberto comite de Moretania, Rogerio comite de Mungu-merico, Henrico de Ferrariis. Valete.

The great seal is attached on a strip of vellum cut at the bottom of the document from the right-hand to within two inches or so of the left-hand margin. Mr. J. P. Gilson, the director of the department of manuscripts at the Museum, who has kindly re-examined the charter for me, tells me that though the free end of the strip has been cut off at some time, it can still be seen at the far end of the wax. He notes that it is more usual to append the seal vertically to the strip, not horizontally as in this case, so that it may hang right way up, but adds: 'practice does not seem to be uniform, and it has certainly not been altered in position.' The most striking palaeographical feature of the charter is the use of the Old-English letter *ƿ* along with the ordinary 'f', and of Old-English *ȝ* for 'g'.

Messrs. Warner and Ellis, while drawing attention to the difficulties presented by the names of the addressees of the charter, record their opinion that 'its appearance is all in its favour'. Professor Davis refers without remark to their discussion of the date.¹ Mr. Stevenson, whom I consulted on the question, wrote as follows (22 May 1923): 'I feel it is very difficult to get over the evidence of William's seal, which in the facsimile shows no trace of having been transferred from some other deed.'² Then the writing is that of an Englishman and shows great similarity with some of the Edwardian

¹ *Regesta Regum Anglo-Normannorum*, no. 57.

² Mr. Gilson on the whole concurs: 'The attachment of the seal appears to me normal so far as one can judge. It has undergone some necessary repair which makes the evidence less certain.'

hands.' Coming from so experienced a palaeographer, this opinion carries great weight, and if his suggested explanation of the difficulties referred to above, which in the main agrees with that offered by Messrs. Warner and Ellis, had satisfied me, I should have acquiesced in his view that 'the charter is contemporary and authentic'. But a fresh consideration of the problem, after an interval of three years, has only strengthened my feeling that the difficulties are greater than he or they realized and that they ought to be stated fully for the information of scholars dealing with the charter material for the reign.

The association of William fitz Osbern, earl of Hereford, with Peter, bishop of Chester, in the address of the charter naturally aroused doubts as soon as it was critically examined. The generally accepted date for the battle of Cassel in which the earl was killed is 20 February 1071, while the consecration of Peter as bishop is placed by the trustworthy compiler of the Latin Acts of Lanfranc appended to the Parker MS. of the Anglo-Saxon Chronicle¹ at Gloucester in the third year of Lanfranc's archiepiscopate, therefore not earlier than 29 August 1072, and probably at Christmas in that year. Even then Peter could not have been described as bishop of Chester, if the third canon of the Council of London in 1075 is accepted as what it professes to be, the first authorization of the removal of his see from Lichfield to Chester.

The suggestion has been made that historians have ante-dated the battle of Cassel, but this can be easily disproved. It is true that several medieval chronicles, including that of William fitz Osbern's own foundation at Lyre in Normandy, give 1072 as the date. Com-

¹ Ed. Plummer, i. 289. The *Acta* were compiled at Canterbury, evidently from official sources.

parison of all the authorities, however, yields a probability, almost amounting to certainty, that this is a mistake.¹ It is fortunately not necessary to enter at length into this evidence, since the editor of the relevant portion of the *Chronicon Lyrense* in Bouquet² half a century ago produced documentary proof of the earlier date which leaves no opening for doubt. This is contained in the dating clause of a charter of liberty granted by Lambert, castellan of Ghent: 'a. ab inc. MLXXI regnante in Francia Rege Philippo et in Flandria Roberto Marquiso, Indict. IX.' The mention of the indiction shows that Robert the Frisian, who became count of Flanders as a result of the battle of Cassel, had attained that dignity before September 1071. As all authorities who record the month of the battle agree that it was fought in February, and it cannot be earlier than 1071, its date is fixed with certainty to the February of this year. Any attempt, therefore, to meet the difficulties of our charter by questioning the received date of William fitz Osbern's death must be abandoned. And as a matter of fact, even if he had been slain as late as February 1072, his association with Peter, bishop of Chester, would remain as impos-

¹ The *Chronicon Lyrense* agrees with Orderic Vitalis (*Hist. Eccl.*, ed. Le Prevost, ii, 235) that the battle was fought on Septuagesima Sunday, but the latter adds x kal. Martii, i. e. 20 February, on which day this Sunday fell in 1071. Septuagesima Sunday, 1072, was 5 February. Orderic is supported by a brief chronicle in the Ghent MS. of Lambert of St. Omer's *Catalogue of the Counts of Flanders* (*Monumenta Germaniae Historica*, Scripp. v. 66), which gives xi kal. Mart. 1071, a day out. Most modern French historians and some English ones have 22 February, which is derived through *L'Art de Vérifier les Dates* (ed. 1787, &c., iii. 5) from Jac. Meyer, *Annales Rerum Flandricarum*, 1561. It seems to be a misconversion of one of the above dates.

² *Recueil des Historiens des Gaules et de France* (ed. 1876), xii. 776; the charter is in Duchesne, *Hist. Gen. domus Ghisnensis*, Preuves, p. 61.

sible as before, if the date of Peter's consecration by Lanfranc, as given in the Acts of the archbishop, is accepted. As this record was drawn up after Lanfranc's death in 1089, it is theoretically possible that the compiler may have assigned the consecration to a wrong year, but the closest scrutiny of the very detailed information he supplies has failed to elicit a single error in fact or date, and the continuous record of each year of the archiepiscopate down to the eighth (1077-8) (after which several are omitted) renders such a confusion inherently improbable. Nor are we without means of checking his statement that Peter was consecrated in the latter part of 1072. Some doubt has indeed been caused by the insertion of his consecration under 1067 in the thirteenth-century Burton Annals¹ and the assignment of the death of his English predecessor Leofwine to 1066 by the fifteenth-century biographer of the bishops of Coventry and Lichfield, Thomas of Chesterfield.² The latter statement, it will be seen presently, is probably a mere inference from the former. Stubbs³ rightly rejected the Burton Annals date for Peter's consecration in favour of that supplied by the *Acta Lanfranci*, but he introduced confusion by accepting Thomas of Chesterfield's for Leofwine's death, apparently assuming that the Burton annalist had overlooked a five years' vacancy of the see. A letter of Lanfranc to Pope Alexander II,⁴ however, proves that an English bishop of Lichfield, unnamed, was still alive in the latter part of 1070, and unless we are to suppose him to have been an unknown prelate appointed by William, he must have been Leofwine. In his letter, evidently written not long after his

¹ *Ann. Mon.* (Rolls Series), i. 185.

² *Anglia Sacra*, i. 423.

³ *Registrum Sacrum*.

⁴ *Epp. Lanfr.* 4, Giles, i. 21.

own consecration on 29 August 1070, Lanfranc urgently asks Alexander's direction as to what he is to do in the case of the bishop of Lichfield, who had been summoned to a synod held by papal legates on a charge of having a wife and children and for other offences, had refused to come and had been excommunicated. The legates had then granted the king licence to appoint a successor. At Easter the bishop came to court, declined to enter into the charges, and surrendered his bishopric to the king. After which he returned to the monastery in which he was reared from boyhood and had been a monk.¹ Lanfranc does not say whether the king had appointed a successor, but none had been consecrated, for he tells the pope that, being a new Englishman (*novus Anglus*) and obliged as yet to take his facts from others, he has not ventured either to consecrate a bishop in place of the deposed prelate or to license other bishops (to perform the duties) until the pope's precept should reach him. He concludes by urging haste: 'quia diu est ex quo illa miserrima Ecclesia de pastore est destituta.'

Leofwine's renunciation must have been made in the famous Easter gathering at Winchester early in April 1070, when three papal legates were present and William's policy of filling the English sees with Normans was begun with the deprivation of Archbishop Stigand and his brother, Bishop Æthelmaer.

It may seem strange that after Lanfranc's urgent appeal to the pope, the see of Lichfield should have remained vacant for some two years longer. The explanation perhaps lies in Alexander's dissatisfaction² with the deposi-

¹ Leofwine had been abbot of Coventry.

² See his letter to William the Conqueror in *Epp. Lanfr.* 9, ed. Giles, i. 31. He ordered a new trial by Lanfranc.

tion of Æthelric of Selsey at Whitsuntide 1070, which was not finally confirmed until 1076.¹ In this case a new bishop had been consecrated immediately after the deprivation, and the pope may well have been anxious to avoid so prejudging the case of Leofwine. It would be quite natural that he should resent Lanfranc's attempt to throw upon him the whole responsibility of a decision which the archbishop himself, though on the spot, did not feel sufficiently informed to make or felt to embody a policy which he shrank from endorsing on his own authority. Alexander very likely insisted on an interim arrangement until Lanfranc was better informed and could discuss the matter with him personally on his visit to Rome for his *pallium* in 1071. What the difficulty was which even then delayed the filling up of the see for another year we do not know, but there is good evidence that it was still vacant at the end of May 1072. The name of the bishop of Lichfield is conspicuously absent from the official records of the settlement of the dispute between Lanfranc and Thomas of York as to the primacy and the extent of their metropolitan authority at Windsor in Whitsuntide of that year, both from that which (*inter alios*) bears the signatures of two archbishops and thirteen bishops² and the more private one which has only the autograph signatures of the archbishops and four bishops.³ The absence of the bishop of Lichfield's name from the latter is particularly significant because two out of the four episcopal signatories, Remigius of Dorchester and Wulfstan of Worcester, were pretty obviously selected

¹ Wilkins, *Concilia*, i. 367.

² W. Malmesbury, *Gesta Regum*, § 298; Davis, *Regesta Regum Anglo-Normannorum*, no. 64. It is the A. 1 of his note to no. 65.

³ Facsimiles in Woodruff and Danks, *Memorials of Canterbury*, p. 33; and (of the latter part) in S. F. Hulton, *The Primacy of England*, p. 26.

in view of the fact that the agreement contained the northern archbishop's renunciation of his claim to metropolitan rights over the three dioceses of Lichfield, Dorchester (later Lincoln), and Worcester. A blank which occurs among the signatures may even have been reserved for the autograph of the new bishop of Lichfield when he should be appointed.

The bearing of these facts upon the authenticity of a charter addressed to Leofwine's successor in association with Earl William fitz Osbern is unmistakable. If Peter was not bishop of Lichfield (much less of Chester) at Whitsuntide 1072, he was not bishop before 20 February 1071, the date of the earl's death. And even if Peter had been bishop before that date, it is practically beyond doubt that he would not have been described as bishop of Chester. The accord between the archbishops speaks only of the diocese of *Lichfield*, and without entering into the difficult question whether the surviving record of the canons of the Council of London in 1075¹ contains in the names of certain sees alterations of somewhat later date, the plain facts for us are that Peter is described in the list of those present as bishop of Lichfield and, being authorized by the third canon to remove his see to Chester, subscribed the document as bishop of Chester. Nor is there any unquestionable evidence that he had already used the title informally. The only other charter in which he appears with William fitz Osbern is shown to be a clear forgery on other grounds.² Much has been

¹ St. John's College, Cambridge, MS. L 9 (M. R. James, *Catalogue*, no. 236). The script is contemporary. This contains no important variation from the copy printed by Spelman and Wilkins from registers at Worcester and Canterbury not now known to exist.

² Davis, *Regesta*, no. 54. A writ to Westminster Abbey which originally had the great seal of the same type as that on the Coventry

made, indeed, of a letter of Lanfranc printed by Wilkins,¹ in which he instructs Peter as bishop of Chester to assist Thomas of York in the consecration of Ralph as bishop of Orkney, the heading of which ascribes it to 1073, two years before the Council of London. The heading, however, is no part of the letter, and the *Acta Lanfranci* and the archbishop's letters show that Ralph's consecration took place on 3 March 1077, as Stubbs recognized nearly seventy years ago.²

Unless this convergence of evidence is merely illusory, it is impossible that the Conqueror's first earl of Hereford should have appeared as addressee or witness in any genuine document along with the first Norman bishop of Chester. A similar conjunction of the earl of Hereford with Hugh of Avranches after his appointment as earl of Chester, though not perhaps impossible, is extremely improbable. Orderic mentions Hugh's appointment twice. In the first passage, where he is describing William's rearrangements consequent on the death of Earl Eadwine and the imprisonment of his brother Morkere in the spring of 1071, he recalls the fact that the earldom of Chester had long before (*iamdudum*) been given by the king to the Fleming Gerbod (his step-son) who, after having much trouble with the English and Welsh, returned to Flanders on short leave from William, at the summons of those he had left in charge of his 'honour' (of the Advocacy of St. Bertin at Arras), and falling into the hands of enemies suffered a long imprisonment, during which (*interea*) the king gave the earldom

charter. For a possible connexion between Coventry and the 'factory of forgeries' at Westminster, see below, p. 163.

¹ *Concilia*, i. 362.

² *Registrum Sacrum s. a.*

to Hugh of Avranches.¹ Later in his work, Orderic notes that Hugh was appointed 'postquam Gherbodus Flandrensis recessit ad suos'.² It has been generally assumed that Gerbod's summons home was due to the troubles in Flanders and that he was taken prisoner at the battle of Cassel. If that were the case, and the dates fit in well enough, except that a year's tenure of the earldom at most by Gerbod puts some strain on Orderic's *iamdudum*, the association of the new earl with William fitz Osbern is impossible. Orderic's language, however, is vague and might cover a summons on purely private affairs and capture in a private feud before the end of 1070. The writer of the *Liber de Hyda*,³ indeed, uses the phrase 'inimicorum praeventus insidiis', but as he contradicts Orderic by making Gerbod slain in the ambush and places his departure from England as late as 1074, his evidence must be received with caution. Actual proof of the presence of Earl Gerbod at Cassel depends upon the possibility of his identification with the Gerbod, knight of the unfortunate Count Arnulf, who, according to a chronicle written about 1120 and of good repute, killed his lord in or immediately after the battle. He afterwards went to Rome to obtain absolution from Pope Gregory VII when Gregory, after threatening to cut off his right hand, sent him un mutilated to Cluny.⁴ No mention is made of a previous imprisonment, but as Gerbod cannot have gone to Rome before 1073 at the earliest, there is ample room for that. It is possible therefore that we have here a concluding phase in the

¹ Ord. Vit., *Hist. Eccl.*, ed. Le Prevost, ii. 219.

² *Ibid.* iii. 3, 4.

³ p. 296 (Rolls Series).

⁴ *Chronicon S. Huberti Andaginense* (Ardenne), *Mon. Germ. Hist.* viii, c. 24. Quoted by Giesebrecht, *Kaiserzeit*, iii. 584, 1056.

career of the first earl of Chester which our English historians have missed. Cluny would be no unlikely last refuge for the brother of the Countess Gundreda, foundress with her husband, William de Warenne, of the Cluniac priory of Lewes.

If this identification be accepted, Hugh of Avranches's earldom was clearly subsequent to the battle of Cassel, and he can never have been addressed as earl in the same document with William fitz Osbern who was slain in that battle. And even if there were two Gerbods, the possibility of Hugh's appointment in 1070 is so remote as to be negligible. It is noteworthy that the only other charters in which Earl William and Earl Hugh occur together are undoubted forgeries.¹ Unfortunately we have no signature of Hugh as earl to a clearly genuine charter before 1077.²

The persons to whom the charter Add. 11205 is addressed by name seem therefore to be inconsistent with one another. There are also features in its form and contents which are not free from suspicion. It is in the Old English writ-form which was taken over by the Norman chancery. William I's writs of confirmation of lands or privileges are normally addressed either: (1) to the bishop or bishops, the earl (if there was one), the sheriff or sheriffs, and sometimes one or two leading barons, all by name, and to the other thegns or barons and lieges of the shire or shires in which the lands lay; or (2) if the number of shires made this form of address too clumsy, to these categories (or part of them) generally, either in the kingdom at large or in the shires in question. The address of our writ of confirmation to Coventry

¹ Davis, *Regesta*, nos. 11, 62.

² Round, *Calendar of Documents in France*, no. 449.

Abbey, which in 1086 held land in five counties and three dioceses, is an unusual compromise between these forms. It begins in the first form and passes into the second. As an example of the first, it is very imperfect. Though the abbey itself was in the diocese of Lichfield, most of its lands lay in those of Lincoln and Worcester. William fitz Osbern may have been in his lifetime the most prominent baron in the last-named area, but even at the date of Domesday Book, Earl Hugh was not the leading personage in the midland counties represented. He had, for instance, only one small manor in Warwickshire—Pillerton. At some later date the half of Coventry which Leofric had not granted to the abbey came to the earls of Chester, perhaps to Hugh himself,¹ and if the charter were spurious, this is just the sort of ante-dating that might be expected.

The scribe's inconsistency in the use of the Old English letter *ƿ* and the French *f* (five and four times respectively) seems strange if he was a chancery clerk, as Stevenson supposed. The number of witnesses is somewhat unusual.

As regards the contents of the grant, the point that deserves most attention is the reference to charters of Edward the Confessor confirming the gifts of Leofric to the abbey. Two such charters are extant, one in Latin, printed by Dugdale, the other in Old English,² separately edited by Mr. de Gray Birch with a facsimile. The former is an arrant forgery. Although dated 1043, it incorporates a letter of Pope Alexander II (1061–73),

¹ Abbot Leofwine, who is said to have died before 1095, was accused of having alienated Eyton-on-Dee to Earl Hugh in exchange for 'Kerile' (*Mon. Angl.* iii. 182). If this was Keresley, 2½ miles north-west of Coventry, the statement may point to the acquisition of the Coventry estate by Hugh as the reward of his support of Rufus in 1088.

² *Mon. Angl.* iii. 191.

and it is witnessed (*inter alios*) by Queen Edith two years before her marriage, and by Abbot Mannius of Evesham, who was not elected until 1044. Stevenson long ago showed that the forger took the greater part of Alexander's letter from a similar document¹ in the forged charter of Edgar to Westminster Abbey along with the explanation of the scope of the abbey's immunities.² Another forgery attributed to Edgar, one of the two versions of a charter to Ramsey Abbey, seems to have supplied the Coventry preamble.³ It is hardly conceivable that such a clumsy concoction should have been submitted to the royal chancery in the lifetime of Pope Alexander. Yet the Conqueror's writ states the purpose of Leofric's gifts in the exact words of the spurious charter: *ad victuale subsidium (abbatis et monachorum) . . . ibidem contulit*. Indeed, the forgery seems to have been the sole basis of the writ, for Edward's Old English charter,⁴ which appears to be genuine, joins Godiva with Leofric as founder of the abbey and grants by name the six great forfeitures where the forgery has only a general statement of immunity borrowed from a spurious Westminster charter.

The Old English charter is in writ form, without witnesses and without evidence of date, except the address to Archbishop Edsius (with others unnamed). He died

¹ Attributed to Pope John VIII, but copied from a letter of Pope Nicholas I to Charles the Bald of France in 863 in favour of St. Denis, itself a suspicious document.

² Napier and Stevenson, *Crawford Charters*, pp. 94, 100. Among the indications which exclude the possibility of Westminster having copied from Coventry is the light thrown upon the 'abbats or deans' of both papal bulls by the 'abbots, deans, and provosts' of the monitory post-script of the Westminster charter.

³ Birch, *Cartularium Saxonicum*, iii. 640.

⁴ Birch, *Edward the Confessor's Charter to Coventry*.

in 1050. We owe the Latin charter to the desire of the monks after the Conquest to possess a solemn diploma with a preamble, a papal bull after the Westminster fashion, and a long string of witnesses, but those who drew it up had an imperfect idea of what an Old English diploma should contain and introduced features which were only appropriate to the writ.¹

The alleged foundation charter of Leofric was probably a later concoction as it is not mentioned either in the Latin charter attributed to Edward or in that of William I. It exists in two versions,² one of which brings in Pope Alexander II, and the other, while omitting this damning anachronism, is guilty of another, less obvious but equally fatal, in making Leofric entitle himself earl of Chester.

Any document emanating from a house with such a record which does not bear every mark of authenticity inevitably lies under suspicion. If the Coventry monks would forge a papal bull of confirmation, they would hardly have hesitated to provide themselves with a charter of confirmation from William the Conqueror, supposing that he had granted none or one that they regarded as unsatisfactory. As a matter of fact, the British Museum possesses another writ of confirmation to the abbey professing to be granted by William I,³ which is decidedly less imposing both in form and contents than Add. Charter 11205. This is also a puzzling document, but for different reasons. The address is a normal one: to all the sheriffs in whose counties the abbot of Coventry (*Cofentreio*) had lands. There are four short clauses:

¹ e.g. the notification to all future kings, &c. (*omnibus post me regibus . . . notum fieri volo*).

² *Mon. Angl.* iii. 191, 199.

³ Harley Charter 43 c. 10. I owe the description of the charter which follows to the kindness of Mr. Gilson.

(1) the abbot is to have *omnia sua* with honour and sace and socne as fully as he ever had ; (2) no one is to meddle in his socne without his leave ; (3) he is acquitted of all castle-work in respect of the abbey's lands for ever ; (4) R[alf] Taillebois (*Talibosc*)¹ is ordered to cause a pledge (*namium*) taken from the abbot to be restored to him and to let the dispute be judicially determined. The first two and a half lines of the writ comprising the address and clause (1) are in a hand not greatly dissimilar from that of Add. 11205, though less calligraphic and without the archaic *p*. The rest of the writ (three and a half lines) is written in a thick hand which sprawls over the whole vellum and passes the first two lines both at the beginning and the end,² a feature which makes untenable Professor Davis's explanation of the difference as due to later re-inking.³ Mr. Gilson suggests as one possibility that the charter at first submitted to the king may have contained only clause (1), and the rest being subject of negotiation were added more hurriedly. This raises the question whether writs to religious houses (as opposed to diplomas) were ever prepared, at least in part, by the monks. Add. 11205, if genuine, could not have been so prepared, as it is all in one hand and the monks would not have been able to supply the names of the addressees and witnesses. Stevenson's belief in its

¹ Sheriff of Bedfordshire (D. B. 216*b*, 217*b*, 218*b*) probably of Buckinghamshire (*V.C.H. Bucks.* i. 220) and with Peter de Valognes, sheriff of Hertfordshire (*ibid.* 132*b*, 133, 138*b*). He was dead by the date of Domesday.

² It also comes unusually low down on the vellum, and the sealing strip is short. The seal unfortunately has disappeared. The writ resembles Add. Ch. 11205 not only in the method of sealing but in the rare feature of a 'heel' or downward projection of the lower margin at the end remote from the strip.

³ *Regesta*, no. 244.

authenticity was largely based on his opinion that the scribe was a survivor of the Confessor's chancery. If he was right, then 'the not very dissimilar' hand of the first clause of Harley 43 c. 10 may also be a chancery hand, and Mr. Gilson's suggestion loses some of its force. If he was wrong, and Mr. Gilson's suggestion correct, the similarity would tend to condemn Add. 11205.

The explanations of the two hands in Harley 43 c. 10 so far adduced assume it to be authentic. It is, however, not easy to imagine such a document issuing from the royal chancery. Apart from its untidiness, surely excessive even on Mr. Gilson's hypothesis, the inclusion of a writ within a writ is too irregular to obtain credence. For Ralf Taillebois was not sheriff of any of the counties in which the abbey had lands, and therefore was not included in the general address of the main writ. The fourth clause is a judicial writ which has no obvious connexion with the general privileges conceded in the previous clauses. It is also apparently corrupt. Unless the abbey had some interest in Bedfordshire, Bucks. or Hertfordshire, of which we know nothing and which is not mentioned in Domesday Book, the mandate must have been sent direct to Taillebois. In that event, if the monks possessed a brief confirmation of their lands and judicial privileges, genuine or forged, which had sufficient blank for additions, they may have inserted a (bad) summary of the precept with connecting links which they, knowing the circumstances, regarded as supporting their case.

The question of the authenticity of Harley 43 c. 10 has not, however, a very direct bearing upon the problem presented by Add. 11205. On the one hand there is the formidable concurrence of two such authorities as

Sir George Warner and W. H. Stevenson in regarding its form as unexceptionable, though I have ventured some slight demur here, and Stevenson was perhaps inclined to overstress this aspect of some of the Conqueror's charters.¹ On the other hand, the conjunction of names in the address of the charter is absolutely irreconcilable not merely with one of our best sources for the history of the reign of William I but with a good deal of concurrent testimony, and the document seems to be based upon one of the clumsiest fabrications turned out by monastic forgers. It must be admitted that its self-condemnatory features are excluded with an apparent skill which is surprising if the writ came from the same workshop. But of course the brevity of a writ gave less scope for self-betrayal.

JAMES TAIT.

¹ See the controversy over William's charter to St. Martin's le Grand (*Eng. Hist. Rev.* xi. 731 ff., xii. 105 ff.; Davis, *Regesta*, no. 22).

SOME DOCUMENTS OF THE ANARCHY

IN the three notes which follow I have discussed some minor problems in the history of Stephen's reign. They were suggested by a study of the charters of Matilda the Empress; but it is possible that a consideration of them may be useful, for one purpose or another, to those who are concerned with the history of the reign in its broader aspects.

I. *The Sherifffdom of Worcestershire, 1139-1145*

The first documents to which I would call attention are connected with the fortunes of Worcestershire, a county which had been administered under Henry I by the Abetôt family up to 1114, and from that date by the Beauchamps. Walter of Beauchamp, the king's Dispenser,¹ received the sherifffdom in or about 1115 under the following charter, which probably gives the normal terms of the appointment of a sheriff at that period, since it is perfectly general and colourless in its terms :

H. rex Anglie T[hedulfo] episcopo Wigorn.² et omnibus baronibus et fidelibus suis Francis et Anglis de Wigresestrasira salutem. Sciatis me commendasse Waltero de Bello Campo vic[ecomitatum] de Wigresestrasira. Et volo et concedo ut ita bene et plenarie et quiete et honorifice teneat sicut aliquis antecessor suus vic[ecomis] tenuit. Et ei intendatis sicut vicecomiti vestro. Et precipio ut

¹ The date of his appointment is uncertain ; but see Farrer, *Itinerary of Henry I*, no. 280, where he seems to attest in that capacity in 1108-11.

² Consecrated 27 June 1115 (Stubbs, *Registrum Sacrum*). Hence Farrer's limits for this charter (1114-16) are perhaps too wide (*Itinerary of Henry I*, no. 319).

veniatis ad placita mea et hundreda et sciras sicut melius fecistis. Quod nisi feceritis ipse faciat inde iusticiam. T[estibus] Roberto episcopo Linc. et Rogerio episcopo Saresberie et Rannulfo cancellario et [Roberto] comite de Mellent et Hamone Dapifero et Waltero Gloec. et Thoma de Sancto Iohanne. Apud Wodestocam.¹

Walter was succeeded in 1133 by his son William de Beauchamp. We have the charter which confirmed William in his father's lands and in the Dispenser's office which his father had held before him.² This charter does not mention the sherifffdom; but it appears from Matilda's charter of 1141³ that he had held the sherifffdom at some period between 1133 and 1141, and then had lost it. It is a question whether we should connect this loss with the appearance, in 1139, of Waleran de Meulan in Worcestershire. John of Worcester, a careful chronicler, is not quite clear about Waleran's office. He calls him *comes civitatis* at the time of his arrival in Worcester (30 November 1135), but in 1140 simply *comes Wigornensis*.⁴ Waleran, however, still kept his old style of Count of Meulan. It is most natural to suppose that he was the castellan of the city. The Winchester chaplain notes the appointment at this time of royal 'municipes' in Herefordshire and Gloucestershire, and Waleran seems to be in the same position. All we know of William of Beauchamp at this time is that he received from Stephen the office of Constable which was taken away from Milo of Gloucester in December 1139. Our authority, the Gloucester chronicler, speaks of William on this occasion as *vicecomes Wigornensis* (Weaver, p. 58

¹ Beauchamp Cartulary, Add. MS. 28024, fo. 28.

² MS. cited, fo. 127^{vo}. See Farrer, no. 705; but his abstract omits the reference to William's Dispensership.

³ Round, *G. de M.*, p. 313.

⁴ *John of Worcester*, ed. Weaver, pp. 57, 60.

note). But by July 1141 he had gone over to the Empress and was on the worst of terms with Count Waleran. By the charter of the Empress he received *inter alia* restitution of (1) the castle of Worcester; (2) the sherifffdom and the forests of Worcestershire; (3) the Constable's office as held by Milo's predecessor, Urse of Abetôt; (4) the office of Dispenser as his father had held it. One novel feature of the grant is that both the castle and the shire are granted *hereditarie*. Another is the mention of the forests, which are not specified in the charter to his father.

What became of Worcestershire after Stephen had recovered London and the Crown? We have a letter of the year 1145, written by Waleran to William of Beauchamp, which throws some light upon their relations at that time. Incorrectly translated in a report of the Historical Manuscripts Commission,¹ it misled Dr. Round, who understood the meaning to be that Waleran, then about to depart on a pilgrimage to Jerusalem, was entrusting 'the lordship of Worcester' to William de Beauchamp and to Robert Earl of Leicester.² The text of the letter, as transcribed by Ashmole, is as follows:

G. comes Mell.' Willelmo de Bello Campo filio suo salutem. Mando vobis et precipio quatenus clametis priorem et monachos Ecclesie Sancte Marie Wigornensis quietos de forestagio de Tabrituna³ et de omnibus placitis illius foreste ita ut nullum ius de forestis quod ad illam villam pertinet amodo clamabitis. Quia sciatis quod pro remedio anime mee et Comitisse uxoris mee et Rodberti filii mei et pro animabus patris et matris mee concedo et perdono priori et monachis Gildum regis⁴ quod ad me pertinet

¹ No. V App., p. 301 (Report on Lechmere MSS. by Mr. Horwood).

² s.v. Beaumont, Waleran de, in the *D. N. B.*

³ i.e. Tibberton. See *Cal. Charter Rolls*, iv. 338.

⁴ sc. the danegeld.

et omnes consuetudines et servitia et iura forestaria que prius regis erant et postea mea in illa villa. De terra autem pro qua miserunt ad me, scilicet pro una carrucata terre que est de feodo episcopi non possum intromittere pro itinere meo; sed quicquid frater meus comes de Leircestra et vos faciatis ex mea parte do et concedo priori et monachis. Quia sciatis quod non sunt monachi in tota terra meos quos tantum diligo nec in quibus oracionibus plus confido. Et si dederit mihi Deus ut possim de hac peregrinacione sanus et incolumis redire, bene illis monstrabo. Quare rogo vos ut filium carissimum quod curetis(?) eos et omnia sua pro amore meo in loco meo manuteneatis et custodiat, ut amor meus illis valeat. Testibus Willelmo capellano, Radulfo de Auro monte, Hugone filio Galer', et Geruasio preposito de Inkit.¹

Waleran does not tell us, nor does it greatly concern us, how he came to stand in a paternal relation to his correspondent. Apparently, in regard to the vill of Tibberton, in which he had forest-rights and other regalia, William de Beauchamp was acting as his representative and subordinate. The words *mando et precipio* have a formal ring. In regard to the carucate of land which is of his own fee he less formally requests William to settle the dispute somehow in conjunction with the Earl of Leicester. If Waleran had the forest-rights in Tibberton it is possible that he had them everywhere in Worcestershire; and in that case the grant which Matilda gave to William of Beauchamp must have gone by the board, for she had given him the forests along with the sheriffdom. Waleran says explicitly that his rights in Tibberton formerly belonged to the king, and this looks as though he relied on a grant from Stephen. Can it be that he had received from Stephen, at some time in 1139-40, such a grant of the sheriffdom and the forests of Worcestershire as William de Beauchamp subsequently obtained in 1141 from Matilda? No answer

¹ Bodleian MS. Ashmole 833, p. 14. In the translation by Mr. Horwood the last word is given as *Mellent*.

seems to be possible. Waleran appeared at the court of Matilda in Devizes in the summer of 1141 or in 1142.¹ He was reconciled to Count Geoffrey of Anjou late in 1141, and helped him to besiege Rouen in 1143. He defended the town and castle of Worcester against Stephen in 1150,² which means that he was acting as castellan and possibly as sheriff too. He was at the court of Count Geoffrey on the occasion, in 1150-1, when Henry fitz Empress and Geoffrey confirmed to Rouen the liberties granted by Henry I.³ He again defended Worcester against Stephen in 1152. But his name does not once appear among the witnesses to the English charters of Henry fitz Empress. Neither does that of William de Beauchamp. All this is perplexing. We can only guess that Beauchamp and the count had come to some arrangement, possibly ratified by a marriage, concerning their claims on Worcester castle, the Worcestershire forests, and perhaps the sheriffdom as well; that in Normandy Waleran backed Count Geoffrey, in order to safeguard his family inheritance on that side of the Channel; and that in Worcestershire he stood on the defensive, quietly waiting till he knew which side would be victorious. After his disgraceful flight from the battle of Lincoln he had little good to expect at Stephen's hands, and probably he was for that reason sincerely pleased by the final triumph of the Angevin party.

II. *The Beaumonts and the Leicester Earldom, 1140-1142*

The next document to be considered is a grant by Stephen to Robert Beaumont, Earl of Leicester, the twin brother of Count Waleran, of the earldom of Hereford.

¹ Birch, *op. cit.*, pp. 392-3.

² *Henry of Huntingdon*, p. 282.

³ Round, *C. D. F.*, pp. 32-4.

Needless to say the grant never took effect, but it throws a little light upon Stephen's policy at a critical moment of his fortunes. It has twice been printed,¹ but Dr. Round, when he wrote the life of Robert Beaumont in the *Dictionary of National Biography*, does not appear to have known of its existence. A transcript, made from a Register of the Duchy of Lancaster, exists in a Bodleian manuscript.² It runs as follows :

Stephanus Rex Anglorum Archiepiscopis etc. salutem. Sciatis me reddidisse hereditarie Roberto Comiti Legrecestrie et heredibus suis burgum Hereford et castellum et totum comitatum de Herefordscire praeter terram episcopatus et terram Abbathiae de Rading' et aliarum ecclesiarum et abbathiarum que tenent de me in capite. Et excepto feodo Hugonis de Mortuomari et feodo Osberti filii Hugonis et feodo Willelmi de Braosa et feodo Gotson[is] de Dinan quod fuit Hugonis de Laci ; hac conditione quod si Comes Legrecestrie poterit facere versus prefatum Gotsonem quod ipse voluerit feodum illud predictum tenere de eo, bene concedo. Quare volo quod prefatus Comes et heredes sui post eum teneant bene et in pace et libere et quiete et honorifice in bosco etc. cum omnibus aliis rebus et libertatibus que ad omnia prefata pertinent cum quibus Willelmus filius Osberti unquam melius vel liberius tenuit. Testibus Roberto de Gant cancellario et Willelmo comite de Warennia et Willelmo Comite de Lincolnia³ et Willelmo Comite de Albemarl et Comite Simone et Willelmo Martell et Turgisio de Abrincis et Willelmo de Albini Britone. Apud Niwetonam.

The appearance of Robert of Ghent as Chancellor proves that this charter was not issued earlier than 1140, in which year, at Midlent⁴ (17 March), Philip of Salis-

¹ Madox, *Exchequer*, ii. 138 ; Nichols, *History of Leicester*, i. 25. I owe these references to Dr. James Tait.

² Ashmole MS. 848, fo. 68.

³ Dr. Tait points out to me that this is probably William de Albini *pincerna* who seems to have released his rights to William de Roumare after November 1141. See *Brit. Mus. Facs. of MSS.*, no. 14.

⁴ This date is given in the *Waverley Annals* s. a.

bury, his predecessor, was nominated by Stephen to the vacant see of Salisbury. In March Stephen had returned from an unsuccessful campaign in Herefordshire, leaving Hereford in possession of the party of the Empress.¹ This repulse was the more serious because Milo of Gloucester had lately become the natural leader of the party of Pain fitz John, the sheriff of Hereford and Shropshire. Pain had died (10 July 1137) at a time when Milo was still loyal to the king, and Pain's inheritance, in those counties and elsewhere, had been granted by Stephen in its entirety to his daughter Cecilia, the wife of Milo's son Roger. It was desirable in 1140 to set up, if possible, an Earl of Hereford who would command a considerable body of local supporters. Robert of Leicester would probably command more support than any other possible candidate on Stephen's side, for his wife was a granddaughter of William Fitzosbern. He would also have his brother Count Waleran as a neighbour at Worcester. The immediate outlook was unpromising both in Worcestershire and in Herefordshire. But, it seems, Robert consented to undertake the adventure, after a certain amount of haggling as to the terms of the grant. Evidently the future of the fee of Gotso of Dinan had been thoroughly discussed before the special clause concerning it was put into the charter.

When was the bargain struck? So far as the names of the witnesses are concerned the charter might have been signed at any date between Mid-Lent of 1140 and the quarrel of the king with Turgis of Avranches, his mercenary captain, which occurred in 1145.² The year

¹ Dr. Round thinks that the Herefordshire campaign was undertaken after Mid-Lent. But the evidence of John of Worcester seems conclusive against this hypothesis.

² *Gesta Stephani*, pp. 112-13.

1144 is just possible, for at that time Stephen was campaigning against Roger, Earl of Hereford, and captured his castle of Winchcombe. But by that time the Beaumonts had lapsed into inactivity. On the other hand there was a royal council at Oxford in 1140, which was attended by both brothers. We know of it through a charter of Stephen confirming the new foundation of St. Mary de Insula at Alcester [co. Warwick]¹ in which the Earl of Leicester took a special interest. The list of witnesses suggests that business of more solid importance than this charter was on foot. Besides Count Waleran and Earl Robert there were present William Earl Warenne, Hervé Earl of Wilts., William Earl of York, Simon Earl of Northampton, Robert d'Oilli, William of Ypres. It is, however, to be noticed that no chancellor was present. If the future of Herefordshire was settled at this assembly the charter was probably drawn up later. It will be observed that three of the earls who witnessed the Oxford charter to Alcester also witness the grant of Herefordshire to Earl Robert.

The earldom of Hereford therefore appears to have been created in the same year as the earldom of Essex, and the Hereford grant may possibly be the older of the two. In form the two documents are quite different, that in favour of Mandeville (Round, *G. de M.*, pp. 51-3) being comparatively indefinite and curt. This difference may be due to the fact that the Hereford grant was prepared by the Chancellor, after careful consideration of the different interests concerned, whereas the Essex grant appears to have been made without the help of the Chancery,

¹ Nichols, *Hist. of Leicester*, vol. i, Part I, App., pp. 16, 17, where the date 1140 is given. The charter of Stephen is also printed in *Cal. Charter Rolls*, iv. 482-4. Stephen was at Oxford just before Mid-Lent, 1140.

and during the bustle of military preparations. Still the effect of the two grants is much the same. If Earl Robert had ruled Hereford with the liberties formerly enjoyed by William Fitz Osbert, he would have been in as good a position, save for a few explicit reservations, as Earl Geoffrey could claim under the more general terms of the Essex charter.

The Hereford grant is not the only evidence to prove that Stephen was inclined at this period to be guided by the Beaumont family, to make the fullest use of their influence and resources, and to attach them more firmly to himself by favours of one kind and another. Here, perhaps, we come across one of the reasons which led Randulf II (Gernons) of Chester into his quarrel with Stephen. The jealousy between the two families lasted at least down to the time of the final concord which Earl Randulf and Earl Robert concluded somewhere in the years 1147-51, in which they agree that neither of them will build castles in the debatable land between Robert's advance post at Hinckley and those of Randulf at Coventry and Hartshill.¹ In 1140 Randulf, smarting from the failure of his plan for aggrandisement in the north towards Carlisle and in Lincolnshire, must have resented the prospect of having on his western frontier the Beaumonts, firmly established in Worcestershire and Hereford. Plainly he joined issue with Stephen at the battle of Lincoln for reasons of personal policy. The fact that the Beaumonts abandoned their ambitious designs after that battle goes far to explain Randulf's indifference to the further course of the war of the succession, from which he withdrew after August 1141.

¹ Palaeographical Society Facsimiles, ii, pl. 40.

III. *Some Charters of the Empress, 1139-1142*

We know singularly little about the doings of the Empress Matilda in the years 1139-42, apart from what we are told by her charters. And so jejune are the chroniclers that they seldom help us to determine the chronological order of these documents which, if they could be accurately dated, would be much more instructive than they are at present. It is only possible to construct a skeleton itinerary of the Empress for these years. Indeed, until Mr. Weaver published the true text of John of Worcester there was room for doubt as to the date when she landed in England to commence the civil war, and even Dr. Round was not entirely successful in clearing up the confusions which Mr. Howlett created in his preface to the *Gesta Stephani*.

William of Malmesbury and John of Worcester are our cardinal authorities for the movements of the Empress; the author of the *Gesta Stephani*, whom, for the sake of brevity, we will call the Winchester chaplain, is well informed and trustworthy for events which happened in his own neighbourhood; and some of the dates afforded by the Gloucester edition of John of Worcester,¹ in the annal for 1141, are worthy of serious consideration. It is, however, most desirable that this annal, known only through the Howard manuscript at Trinity College, Dublin, should be edited more exactly than it was by Howard and by Thorpe. Perhaps in this matter some Irish scholar will come to our assistance.

Our starting-point is the date 1 September 1139, on which Bishop Henry of Blois closed the legatine council of Winchester. In the course of September, probably in

¹ Thorpe, *Florence of Worcester*, vol. ii, pp. 129-36.

the early part of the month, Baldwin de Redvers landed at Wareham and occupied Corfe Castle. The king besieged Corfe, according to the Winchester chaplain, for a very long time. But the siege must have been an affair of days rather than of weeks as it was broken off when the king heard rumours of the impending arrival of the Empress. She landed, according to John of Worcester, in October at Portsmouth, but immediately proceeded to Arundel with a great train of followers. William of Malmesbury dates the landing *pridie kalendarum Octobris* and gives Arundel as the place of landing; so that there is here a conflict of authorities, though it is too slight to be disturbing. Robert of Gloucester, leaving his sister at Arundel, hastened to Bristol. The Empress was allowed by Stephen to follow her half-brother after a short interval of time. She went first to Bristol, but was soon transferred to Gloucester. She arrived in Gloucester, according to the Gloucester chronicler,¹ on 15 October, having spent two months in Bristol. This last statement is absurd, but is based on the writer's belief that the Empress landed in England before 1 August.² The date 15 October is more likely to be near the truth. It seems to be in consonance with Matilda's own words in the surviving fragment of a lost charter :

Sciatis quod quando in Angliam veni post mortem H. patris mei, Milo de Gloecestra *quam citius potuit* venit ad me apud Bristolliam et recepit me ut dominam . . . et inde me secum ad Gloecestriam adduxit.³

But, if 15 October is the exact date, we can only say that for Matilda the first fortnight in October was singu-

¹ Thorpe, *Florence of Worcester*, ii. 118.

² *Op. cit.*, p. 117.

³ Round, *G. de M.*, p. 56.

larly crowded with events. As soon as our three standard authorities fail us we are in difficulties.

From October 1139 to February 1141 we hear no more of the Empress. She may have issued charters, but they have not survived. Her party was active and its numbers increased, but she remained in the background. But on 9 February 1141 the captive Stephen was brought into her presence at Gloucester, and she or her supporters at once prepared to make a bid for the recognition of her title by the Church and by the Londoners. She started, according to the Gloucester edition of John of Worcester,¹ *quinta feria post acceptos Cineres*, on the day following Ash Wednesday, that is, on 13 February,² and reached Cirencester. She must have had a military escort, but the three persons who are specifically named as accompanying her are two bishops, Bernard of St. David's and Nigel of Ely, and Gilbert Foliot, Abbot of Gloucester. The last of these three may have been the ultimate source of the information which the Gloucester writer shows of the events that followed. But our best account comes from William of Malmesbury, whose own superior, Abbot Peter, took some part in them.³ On the first Sunday in Lent, being the 16th of February, there were negotiations between the representatives of the Empress and Henry of Blois. These were probably conducted at or near Cirencester. On Sunday, 2 March, the bishop met the Empress 'in the open country on this side of Winchester', that is, at Wherwell; and a treaty was struck between them, the gist of which was that she would leave

¹ Thorpe, ii. 130.

² Thorpe gives the date as 17 February, apparently reckoning that the start was made on the fifth day after Ash Wednesday.

³ Peter was, as Malmesbury tells us, one of the ecclesiastics who were present when Matilda was received into Winchester on 3 March.

ecclesiastical patronage in his hands. As her sureties were present, among others, Robert of Gloucester, Brian Fitz Count, and Milo of Gloucester. On 3 March the Empress was solemnly received in the cathedral church of Winchester by an assembly of bishops and abbots. The bishops were Henry of Winchester, Bernard of St. David's, Alexander of Lincoln, Robert of Hereford, Nigel of Ely, Robert of Bath. Among the abbots present are specially mentioned Ingulf of Abingdon, Edward of Reading, Peter of Malmesbury, Gilbert of Gloucester, Roger of Tewkesbury.

With these events three charters of the Empress are specially connected. First, that in favour of Glastonbury Abbey (of which Henry of Blois was abbot), which refers to the meeting at Wherwell and to the subsequent reception of the Empress in Winchester.¹ This is attested by a number of the persons who are mentioned in Malmesbury's narrative. But it is also attested by Seffrid, Bishop of Chichester, who had not been present, and therefore it is not a strictly contemporary record. Either for this reason, or owing to the gloss of a too zealous copyist, this charter dates the Wherwell interview as occurring on 16 February, the first Sunday in Lent, thus confusing it with the preliminary negotiations which are mentioned by Malmesbury. Secondly, there is a charter addressed to William de Pontlarche, the chamberlain, in favour of Turstin the clerk, confirming to Turstin his lands at Farrington, Popham, and elsewhere, 'sicut tenuit die illa qua recepta fui apud Wintoniam'.² Matilda had sub-

¹ Printed by Birch in his collection of the charters of the Empress (*Journal British Archaeological Association*, xxxi. 389.) Mr. Round assigns this to the Rogation-tide Council held by Matilda at Reading in May 1141 (*G. de M.*, p. 83 note).

² Pat. Roll, 1 Rich. II, Part IV, m. 28 (printed in *Calendar*, p. 110).

stantial reasons to be grateful to the chamberlain on the day of her entry, for he handed over to her the royal crown and the small amount of money which Stephen had left in the Treasury at Winchester.¹ This charter, witnessed by Nigel of Ely and Milo of Gloucester, may well have been issued while the Empress was still at Winchester. Thirdly, a charter in favour of Turstan de Montfort of Beaudesert (co. Warwick), and expressly dated at Winchester, probably belongs to this time rather than any later date because it is witnessed by Milo of Gloucester without the style of earl.²

The remaining charters of Matilda in this year, 1141, are connected (apart from one exception) with Oxford, Reading or Westminster. There is a doubt as to the number of visits which Matilda paid to Oxford. William of Malmesbury says that she went there for Easter, while Theobald of Canterbury and the bishops were negotiating with Stephen for leave to change their allegiance. The Gloucester edition of John of Worcester, as printed in Thorpe,³ makes her spend Easter at Wilton, and go to Oxford after a visit to Reading at Rogation-tide. It is disconcerting to find such a conflict of evidence. Dr. Round prefers the authority of Malmesbury, but on grounds that cannot be upheld. He takes as conclusive the evidence of a charter granted by Matilda to St. Benet of Hulme which is dated at Oxford 'anno ab incarnatione domini MC quadragesimo'.⁴ But the original of this charter is not extant, and there is good reason to question the authenticity, or at least the completeness of this dating clause. For we know, from the Gloucester annal, which we have so often already cited, that Matilda gave

¹ *Gesta*, p. 74.

² Round, *G. de M.*, p. 65.

³ *Op. cit.*, ii. 130.

⁴ Printed by Birch, *op. cit.*, p. 388.

the see of London to Robert de Sigillo at Westminster, in June 1141; and this charter is attested by R. bishop of London. It should be assigned to the month of July 1141, which is in fact the period to which all Matilda's Oxford charters of this year appear to belong. Malmesbury is not likely, however, to have been mistaken about the Oxford visit; and perhaps the discrepancy between Malmesbury and the Gloucester annal is due to a copyist's transposition of the sentences marked (3) and (2) in the following passage of the latter source:

1. A Wintonia egressa cum suis officialibus domina, adit Wiltorniam ubi ad salutandum eam affuit archipraesul Theobaldus. . . . (3) inde, iam peractis festis paschalibus, ad Radingum infra Rogationes veniens, suscipitur cum honoribus, hinc inde principibus cum populis ad eius imperium convolantibus. (2) Convenitur ibi ab eadem de principibus unus, vocabulo Robertus de Oleio, de reddendo Oxenefordensi castello: quo consentiente, venit illa, totiusque civitatis et circumiacentis regionis suscepit dominium atque hominum. (4) Proficiscitur inde . . . et in monasterio Sancti Albani . . . suscipitur honore et iubilo. (*Thorpe*, ii, pp. 130-1.)

Such a mistake might easily arise if one or other of the two sentences was entered on the margin of the original narrative.

However this may be, the visit of the Empress to Reading at Rogation-tide (5-7 May 1141) is a welcome fixed point in her itinerary. It is the only occasion on which she is known to have visited her father's chief religious foundation, and naturally she granted two charters in favour of Reading Abbey. One of these, an original,¹ gives her the style of Queen; and the same style is found in the Glastonbury charter which Mr. Round believes to have passed on the same occasion.² This

¹ Add. Charter 19576.

² Birch, *op. cit.*, p. 289, prints both these charters.

anticipatory use of the royal style may not be quite accidental. There is evidence in the attestations of both charters and of others which passed on the same occasion that Reading witnessed on this occasion an unusually full meeting, a Council, of Matilda's leading partisans.

One of these charters has not been printed. It is preserved in a copy in the Beauchamp cartulary and runs as follows :

M. Imperatrix, regis Henrici filia Anglorum domina Archiepiscopis, episcopis &c. tocius Anglie salutem. Sciant omnes tam presentes quam futuri quod reddidi et concessi in feodo et hereditate Willelmo Maledocto camerario meo Bergedunam cum socha quam ibi Mich' de Hameslapa antecessor suus habuit ad tenendam in capite sibi et heredibus suis de me et heredibus meis ita bene et honorifice sicut Matildis regina mater mea dedit eam Michaeli de Hameslapa antecessori suo quam Willelmus de Albin' tenebat de rege Henrico per xx libras ad firmam ; et pro hac reddicione dedit mihi c marcas argenti de releuamine. Quare uolo firmiter et precipio quod bene et in pace et honorifice et libere et quiete teneat in bosco et plano, in pratis et pascuis, in via et semitis, in aquis et molendinis infra burgum et extra in omnibus locis cum socha, sacha, toll, team, infangeth' et cum omnibus libertatibus quietudinibus et consuetudinibus cum quibus antecessor suus predictus Mich' melius et liberius tenuit. Testibus T. Archiepiscopo Cant., Willelmo (*sic*) episcopo Sancti Daud, R[oberto] com. Gloec., Com. Ran[aldo] Cornub', Mil[one] Gloec. Com. (*sic*),¹ Gaufr[ido] Boterello, W[idone] Diffabulato,² Ioh[anne] Marisc[allo], Willelmo[Cancelario], Rad[ulfo] Paienell, W. Paienell, Rob[erto] fil[io] Mart[ini] Apud Radinam.³

This charter is our only evidence for the presence of Archbishop Theobald, which is the more remarkable because he was almost the only person of importance at

¹ Probably an error for Con[estabulo], which is his style in Add. Charter 19576.

² i.e. Wido de Sablé.

³ Add. MS. 28024, fo. 49.

Reading who was not an uncompromising partisan of the Empress. If we accept Dr. Round's hypothesis that Matilda's charter to Glastonbury, which we have already discussed, was issued at Reading, we have the following list of its members :

Henry, Bishop of Winchester, the legate	Humphrey de Bohun, Da- piger
Theobald, Archbishop of Can- terbury	Milo of Gloucester, Con- stable
Alexander, Bishop of Lincoln	*Brian Fitz Count
Nigel, Bishop of Ely	John [fitz Gilbert], Marshal
Bernard, Bishop of St. David's	William the Chancellor
Robert, Bishop of Hereford	**Geoffrey Boterel
*Seffrid, Bishop of Chichester	**Wido de Sablé
*Gilbert Foliot, Abbot of Glou- cester	**Ralph Painell
Robert, Earl of Gloucester	**William Painell
Reginald, Earl of Cornwall	**Robert Fitz Martin
Robert [fitz Edith], brother of Reginald	*William de Mohun
	*Ralph Lovel
	*Elias Gifford
	*Robert Musard

* Only in the Glastonbury charter.

** Only in the Mauduit charter.

This list of Matilda's followers at Reading may usefully be compared with the witness-lists of her grants to Geoffrey Mandeville in June and to Milo the Constable in July.¹ New names are added to her train as the months pass on, and probably her faction was at its greatest strength after her flight from London and her return to Oxford. But the basis on which her power rested was insecure: a minority of the bishops, a minority of the magnates of the west and the south-west of England.

The Reading charters show that Matilda had begun to confer honours and offices some time before there was

¹ Round, *G. de M.*, pp. 93-4; Birch, *op. cit.*, p. 390.

any immediate prospect of a coronation. The originals of two of these charters exist.¹ They show us Reginald of Cornwall raised to the rank of an earl, Milo of Gloucester a Constable once more, John fitz Gilbert styled the Marshal, and Humphrey de Bohun a Dapifer. The charter to William Mauduit shows that he is already a chamberlain, and William de Pontlarche bears the same title not only in the charter to his clerk Turstin, which we have already mentioned, but also in a charter in favour of Reading Abbey which was probably issued at the Reading Council.² Besides these officers Matilda has, at Reading, a Chancellor, William the brother of John fitz Gilbert the Marshal; ³ he attests the charter to Mauduit. Either shortly before or shortly after the Reading Council he appears at Oxford in the company of Henry of Winchester and Nigel of Ely attesting a grant to the Templars of Cowley.⁴

Between the beginning of May and the end of July there was some attempt to set the machine of government going in the name of the Empress. Dr. Round has called attention to a final concord concluded in her court, either in May or in June, between the Bishop of Ely and the Abbot of Ramsey.⁵ At London and Oxford in July she had the services of two expert officials—the new bishop of London, Robert de Sigillo, who had been the working head of her father's chancery for several years, and Nigel of Ely, who was skilled in the routine of the exchequer. We may suspect Nigel's handiwork in the careful drafting

¹ Brit. Mus. Add. Charters 19576 and 19578; printed by Hurry, *Reading Abbey*, pp. 160–1.

² Cotton MS. Vesp. E. v, fo. 78b. Attested by Milo as Constable; therefore earlier than 25 July 1141.

³ Round, *G. de M.*, p. 382.

⁴ Bodleian Wood MS. Empt. 10, fo. 14. ⁵ *G. de M.*, p. 82 note.

of those clauses in the charter to Geoffrey Mandeville which affect the feudal and fiscal rights of the Empress. We have a charter tested by Nigel at Oxford, which instructs the Barons of the Exchequer to allow an abatement of 5*s.* 3¼*d.* from the *firma* of the borough of Oxford, on account of a grant made by the Empress to the canons of Oseney.¹ A grant to the monks of Tiron in July 1141 charges the *firma* of Winchester with a pension which, in King Henry's time, used to be paid from the treasury at Winchester.² But by the time the monks received their grant the writs of the Empress had ceased to run in Winchester.

The main business of her government at London and Oxford seems to have been to reward or to buy supporters. Earldoms were granted to Baldwin de Redvers, William de Mohun, and Geoffrey de Mandeville before 24 June. At Oxford Milo the Constable was made an earl; William de Beauchamp became Constable in his room, and also hereditary sheriff of Worcestershire.³ Nor are smaller douceurs neglected. The Fitzalans are conciliated by a grant to the canons of St. John of Haughmond in Shropshire.⁴ It is remarkable that Archbishop Theobald when at Oxford, though he still held loyalty to the Empress, only attested one charter of importance (that to Milo) and otherwise only appeared as a witness to two grants in favour of the canons of St. Frideswide's,⁵ and to another vindicating the exemptions of the canons and prebends of Salisbury cathedral.

¹ Original in Christ Church Archives, Oxford. Published in *Bibl. de l'École des Chartes*, lxi. 578.

² Round, *G. D. F.*, no. 999.

³ Round, *G. de M.*, pp. 313-14.

⁴ Eyton, *Antiquities of Shropshire*, vii. 287.

⁵ *Cartulary of St. F.* i. 22, 24; *Sarum Charters*, p. 11.

It is no easy matter to arrange the Oxford charters of Matilda in anything like chronological sequence. There are, however, a few working rules by which some of them can be approximately dated. (1) Henry of Winchester was never in the company of the Empress, at Oxford or elsewhere, after midsummer 1141. Thus the charter to the Templars of Cowley, mentioned above, is earlier than midsummer, since it is attested by him. (2) The King of Scots was only at Oxford for part of July 1141. His appearance as a witness enables us to assign to that month the charter to Haughmond and that to the monks of Tiron, both of which we have mentioned, and a third to Oseney Abbey.¹ (3) Archbishop Theobald also was at Oxford in July. It is possible that he returned thither in November when Matilda was again holding her court in Oxford.² But we may be pretty certain that he was never with the Empress after the Synod of Westminster (7 December) at which the Pope's letter, declaring in favour of Stephen, was made public.³ Thus we can limit the date of one charter to Salisbury, and two in favour of St. Frideswide's, Oxford, to the last five months of 1141 because they are witnessed by Theobald.⁴ (4) Nigel of Ely made his peace with Stephen early in 1142. His appearance as a witness limits the lower date of a grant of an annual fair to the nuns of Godstow,⁵ as also that of a remission from the *firma burgi* of Oxford (*supra*, p. 186). (5) Probably Robert de Sigillo, the new bishop of London, bowed like Theobald to the decision of the Synod of Westminster. If so, we can assign to the second half

¹ *Oseney Cartulary* (ed. H. Salter), 52.

² W. Malm. *H. N.*

³ *Op. cit.*

⁴ *Sarum Charters*, p. 11; *Cartulary of St. Frideswide*, pp. 22-4.

⁵ P. R. O. Exch. (K. R.) Miscell., Bk. xx, fo. 3b. Abstract in A. Clark, *English Register of Godstow Nunnery*, ii. 650.

of 1141 three grants that he attests at Oxford, for St. Frideswide's, Oseney, and St. Benet of Hulme respectively.¹ (6) Robert of Gloucester was not in Matilda's company at Oxford after June 1142;² and thus we reach a lower limit of date for a charter in favour of Eynsham, and another confirming to St. Frideswide's a fair granted by Henry I.³

It is strange that the narratives of Matilda's raid on Winchester do not mention the route by which she approached the city. Two charters in favour of Bordesley Abbey, both issued at Devizes, and largely attested by the same witnesses, seem to have been issued by Matilda at this stronghold in July 1141. For one of them has, as its first witness, William Cumin, the chancellor of the King of Scots,⁴ who returned to the north immediately after the attack on Winchester had failed. These charters may have been issued on the way from Oxford to Winchester. In that case the Empress followed a roundabout route. But it is not impossible that her generals found this detour convenient for strategic reasons—to avoid a flank attack from the direction of London, or to pick up reinforcements from the western counties. If their date be 1141 these charters have a special interest in reference to the career of Waleran of Meulan. He attests both of them in conjunction with William de Beauchamp who had recently received at Oxford the sheriffdom of Worcester. This suggests that the two had already found some means of coming to a compromise about their conflicting claims. A little later, in or about the month of November, the

¹ Birch, *op. cit.*, pp. 388, 392, 397.

² Round, *G. de M.*, p. 163.

³ Birch, *op. cit.*, p. 391; *Cartulary of St. Frideswide's*, i. 25.

⁴ Brit. Mus. Add. Charter 20420 (Birch, *op. cit.*, p. 393; Warner and Ellis, *Facsimiles*, i (19)). The other charter is given in Birch, p. 392.

count was in Normandy, making his submission to Geoffrey of Anjou.¹

There are no other charters of the Empress, dated from Devizes, which appear to be assignable to the year 1141. The town only passed into her possession at the beginning of that year, and the charter which she granted to the burgesses in May 1141, *pro servicio suo*,² was probably a recognition of their good work in expelling Stephen's castellan, Hervé of Brittany.³ Two Councils were held at Devizes in 1142, one at Mid-Lent (29 March), the other on the octave of Pentecost (19 April). Robert of Gloucester was at both of these; and if the Bordesley charters are later than July 1141, they probably passed at one of these councils. But, so far as our information goes, the Empress was continuously at Oxford from the end of June 1142 to the date of her midnight escape in December. We have no important charters belonging to these months. For the second charter to Earl Geoffrey and that granting an earldom to Aubrey de Vere were issued before Earl Robert went to Normandy.⁴

H. W. C. DAVIS.

¹ R. de Monte, p. 142 (ed. Howlett).

² *Cal. Charter Rolls*, v. 217.

³ *Gesta Stephani*, p. 68.

⁴ He went towards the end of June. Round, *G. de M.*, p. 161.

A MONEY-LENDER'S BONDS OF THE TWELFTH CENTURY

N EARLY fifteen years ago I was asked by Dr. Poole to investigate a very curious little roll, of the period, apparently, of Henry II, which had caught his attention at the Public Record Office; and the result was an article¹ in the *English Historical Review* upon one William Cade, a twelfth-century money-lender whose operations were, as it seemed to me, of a surprising magnitude and interest. Some years later I learned² that in the process of sortation of the *Ancient Deeds* of the King's Remembrancer's Department of the Exchequer eight new documents relating to Cade had been discovered. Upon examination these seemed to be, if not of equal importance with the first discovery, yet of considerable significance and value: they are in fact (with one possible exception, to be dealt with below) the earliest known money-lender's bonds in this country and, moreover, within their limits, a homogeneous collection; so that their interest is really greater than that of any ordinary find of deeds of this early period. For all these reasons the present seems a particularly suitable place and occasion for them to see the light in print.³

The Cade Roll. It may be convenient to summarize here the conclusions of the earlier article. These were,

¹ By my former student, Miss M. T. Stead, and myself (*E. H. R.* xxviii, pp. 209 *seq.*).

² From the present Deputy Keeper of the Public Records, to whom I must express my obligation. The discovery was made during the War.

³ I am indebted to Miss H. M. Chew for a large amount of work upon these deeds, both in checking and in annotation.

briefly, that Cade was a Christian usurer who died probably in 1166, leaving a property of debts owing to him from an extraordinarily large number of distinguished people—Richard fitz Niel and his uncle, the Bishop of Ely, a Justiciar and both Chamberlains, Bishops, Archdeacons, and Houses of Religious, Earls, Constables, ten Sheriffs—besides a quantity of lesser folk: that at his death this property, amounting to no less than £5,000, was taken over (perhaps on the ground that he was an usurer) by the Crown and that the roll of his debts which remains to us was the result; that during his life he financed not only private persons but the king, enabling Henry by large advances to anticipate his revenue from the shires; that his other official connexions were apparently few but included for some years administration of the farm of Dover; that he had other connexions with Kent but was probably of Flemish extraction; and that he had sons and a brother, Baldwin. A subsequent note by Dr. Round¹ strengthened the evidence of Flemish connexion and added the names of his sons, Eustace and Ernulf, giving also much information as to the personality of his debtors, a matter little touched in my article; and one by Professor Haskins² made clear Cade's position as an usurer, and a famous one, and suggested that he came from St. Omer.³

The New Documents. The present find consists of the seven original bonds for debts occurring in my edition of the roll at lines 2, 31, 34, 57, 73, 79, 82; and a deed

¹ *E. H. R.* xxviii, pp. 522 *seq.*

² *Ibid.*, p. 730: Professor Haskins cites the canonist, Robert de Courçon, who speaks of Cade as of a person still well-remembered so late as 1202.

³ By a foolish slip this was rendered in my article *Pont Audemer*: there is, of course, no doubt about the identification.

'pledging' Earl Geoffrey for the payment of another (line 59). It is possible, but not, I think, probable, that further Cade examples may yet come to light: so far as I could I have searched the unlisted deeds, but without success. In the appendix to this article the eight mentioned will be found printed in full, with a few palaeographical and other notes, in the order of the roll; and the object of this introduction is to see how far they throw further light on the circumstances (very important from an institutional and economic standpoint) of Cade's career as a money-lender. It will be seen from the next few paragraphs that they show a remarkable dissimilarity among themselves in the matter of form and phraseology; and this presumably reflects an unsettled state of procedure. The question therefore arises—upon which (if any) of this very early money-lender's methods can we fasten as giving us any help in what is still very much an unsolved problem, the position and methods of the money-lender in general in the later part of the medieval period in England? Cade was the first of whom we have knowledge: how far did his successors copy him?

Date, Writing, Form, and Sealing. We may dispose first of some comparatively unimportant details. The loans are for short terms, and the writers of the bonds do not think of a year date as an essential part of their phraseology: in Nos. II,¹ V, and VIII, 'from All Saints to Christmas', 'within a week of the Purification', and 'on the first Sunday of Quadragesima' are apparently as much as the law (if it can be invoked) will need. The others are more exact, and the departure of Theodoric count of Flanders, for Jerusalem (No. IV), the espousal

¹ No. II may be dated from the List of Sheriffs as not before Michaelmas 1159.

of the king's son (Nos. I and III), the elevation of Gilbert Foliot to the bishopric of London (No. VII), and the holding of the King's Council at London (No. VI) give us the dates 1157 (after April and before December),¹ after November 1160,² April 1163 to Easter 1164,³ and October 1163 to January 1164:⁴ these, however, do not add to our information as to the date of the roll, though they may be interesting for other reasons. It is notable that even in a class of documents where exact dates are so desirable the idea of a place and time date for the deed itself had not yet arisen.

The *Writings* offer little to criticism. All are roughish (those of Nos. VI and IV, which are by the same hand, the least so), but all are fairly normal hands of the period except perhaps No. VIII, which is old fashioned, and No. III, which is curiously narrow, crabbed, and laboured: there is no sign of the smaller neat but current hand⁵ which appears often in the later part of this reign. Nos. V to VIII are shown here in facsimile.

The *Shape and Size* of the deeds shows likewise great diversity, varying from a narrow oblong to a square, and in area from 7 to 30 square inches, but this is perhaps due partly to the diverse forms of phraseology and partly to a scarcity of parchment: in one case (see No. VII in the illustration) a piece already written upon is used, the deed being crowded into inadequate space.

The *Method of Sealing* (see again the illustration) is also varied and odd. One bond (No. VII) has the usual doubled lower edge with parchment tag thrust through a slit which

¹ Eyton, R. W., *Court, Household and Itinerary of Henry II*, p. 32. The king was in Normandy in the earlier part of the year.

² *Ibid.*, p. 52.

³ *Ibid.*, p. 62.

⁴ *Ibid.*, p. 64.

⁵ Cf. Johnson, C., and Jenkinson, H., *Court Hand Illustrated*, Plate VII, A and C.

pierces both layers ; No. VIII shows two slits but no trace of doubling. The rest have, or had, all a tongue, and some, if not all, a tie as well—a curious form¹ to employ for what was in no sense correspondence. Of actual seals there are no remains and few traces.

The *Form of Wording* will call for more remark below, but we may add here that in this respect also there is little sign of method. All except No. VIII (which has *Notum sit omnibus . . .*) open with some form of the phrase *sciunt omnes tam presentes quam futuri* (even this is varied—notably so in the case of No. III, which has simply *Sciunt presentes*) ; and Nos. I, III, IV, VI, and VII close with names of witnesses introduced in the usual ablative absolute. Between these two clauses the body of the documents shows little trace of formalization.

So far we have little but negative evidence as to Cade or his methods. We turn to more promising lines of inquiry.

Borrowers and Lenders. With regard to the first our deeds add little to what is known from the roll. They give us (No. I) a name which was missing ; but this (Maurice fitz Geoffrey) Dr. Round had already supplied ; and his connexion with Woodham Ferrers was also known. No. VI also supplies a name, Roger de Olgi,² and identifies him with land in Kencott (*Chenigcote*) in Oxfordshire. The appearance of particular witnesses in the bond of any given person need not, as we shall see, imply any close relation between them ; having a bearing rather on the circumstances under which the loan was contracted : that of the pledges is another matter, and it

¹ It appears, however, in another bond, *Ancient Deeds*, L. 108, to be mentioned again below.

² It is incomplete in the roll (line 73), and figures wrongly in the transcript as *Robertus de Grant*.

is possible that some inferences may be drawn from the fact of the Bishop of Lincoln (for example) being a pledge for Roger de Olgi. A curious point is the almost invariable difference in spelling or expression between the roll and the bonds; most notable is the appearance of *Anselmus Candauem* or *Candauein* of the roll (line 57) in the singular forms of *Anselmus Canpus Auene* and *Anselmi Canpi de Auena*—a very odd Latinity.

With regard to the lending firm our bonds have more to tell us. In No. I Cade's heirs are expressly included: in Nos. II, III, IV, and VI the debt is repayable to Cade or to Ernulf his son or Eustace his brother—the last a new character, unless we are to take the word *his* as applying to Ernulf; which will not do in No. VIII, where Eustace is definitely brother of William: and in No. VII only Ernulf is mentioned in addition to William. In this last the debt is primarily to Henry, Fanuel, and Malger, whom I have not identified unless they are the Malger Buc and Her' Farewel of St. Omer who appear as debtors in the roll (line 113): it is not even certain whether they are two or three persons.¹ A valuable indication is given by the statement in No. VI that payment is to be made at Cade's house in London; and another by the provision in No. VII that under certain circumstances the debtor is to surrender himself to William Cade or Ernulf at London or St. Omer; which confirms Professor Haskins's suggestion.

There emerges in fact from our documents a firm—Cade, Cade and Son, with premises in Flanders and England and perhaps some foreign correspondents.

Witnesses. Of these there are thirty, whose personality

¹ *Phanuel* would be possible as a Jewish name. Monsieur Pirenne and 'Monsieur Dept inform me that no such characters are known from Belgian or French Archives.

I propose to examine only in so far as they throw light upon Cade's operations. First, then, we may separate off a class of small men—clerks and the like of whom little or nothing is known: such are *Wido clericus* (No. I); Baldwin *fleming* and Jordan *Selarius* (No. III); Arnold *clericus* (No. IV), who is apparently clerk to the debtor;¹ and a few others. In strong contrast to these we note the status of some other witnesses—the Bishop of Ely, the Earl of Leicester, Faramus (of Boulogne), and others not so well known but still easily identifiable. Next we note that three witnesses appear twice (the Bishop of Ely, the Earl of Leicester, and John Marshal, in Nos. I and VI); while John Bucunte and Peter fitz Walter, who are known in association with Cade and his brother Baldwin elsewhere,² figure in three (Nos. IV, VI, and VII). A further small selection of the witnesses (ten in all) are persons who appear as debtors on the roll.

What are we to make of this? We may assume that witnessing a deed is here evidence of actual presence: how are we to explain the fact that Cade or his debtors were able to command the presence of bishops, earls, and high officials? What common interest brings together these and the other witnesses? I suggest that the answer is to be found in a consideration of the witnesses to No. VI, the bond of Roger de Olgi or Oilli, a person well enough known³ but not particularly eminent in his

¹ Richard *Clericus*, also a witness to this bond, is possibly the sheriff of Wiltshire of that name.

² Round, J. H., *Calendar of Documents, France*, p. 505, as witnesses to a charter of Gervase of Cornhill. The connexion, by the way, with Gervase, who certainly lent money on occasion (see below p. 203, f. n.), is interesting.

³ Cf. numerous references in Salter, H. E., *Cartulary of the Abbey of Eynsham* (Oxf. Hist. Soc., XLIX and LI).

time. This deed belongs to the end of the year 1163, being after the Council held in London in October¹ and before the Feast of St. Hilary (13 January) in 1164; moreover, de Oilli was an Oxfordshire man and the king was at Oxford in December of that year;² and, further, Cade was apparently at court about Christmas, since he witnessed a royal charter at Berkhamstead.² This remarkable deed, then, was witnessed by (among others) the Treasurer, Richard fitz Niel, author of the *Dialogus*, and his uncle Nigel, Bishop of Ely; by Richard of Ilchester, that archdeacon whose appearance at the Exchequer, with his mysterious roll, has caused so much speculation;³ by both Justiciars, the Earl of Leicester and Richard de Luci; by the Marshal; and by the Barons of the Exchequer! Surely never was a bond for 100 marks odd so magnifically attested.

Cade and the Exchequer. It seems to me that this galaxy of official witnesses carries us a step further in our estimate of Cade's business: not only did he finance the Crown but his private loans also were in some, perhaps in many, cases closely connected with Exchequer business. In dealing with the roll I suggested⁴ that sometimes a private liability to Cade might have been incurred because the money-lender took over a debt owing to the King. Thus the King owes (let us say) 100 marks to

¹ Eyton, p. 64.

² *Ibid.*, p. 66.

³ See Dr. Poole's *Exchequer in the Twelfth Century*, Messrs. Hughes, Crump and Johnson's edition of the *Dialogus*, Dr. Round's note in *E. H. R.* xxviii, and my article in the *Magna Carta Commemoration* volume of the Royal Historical Society; for a possible explanation, by the way, of the Archdeacon's Roll, see the passage in *Dialogus*, II. ii. C, which has been rather overlooked.

⁴ Dr. Round has queried this view in respect of one debtor, Maurice fitz Geoffrey (*E. H. R.* xxviii, p. 525); but, for reasons given, I ventured to cling to it (*Ibid.*, p. 731).

Cade and discharges the debt by a writ to Roger de Oilli, who owes that much and more to the Crown, ordering him to pay; the Pipe Roll shows ¹ Roger as having done so—*et in solutis per breue Regis Willelmo Cade c. marcis*; Cade has cleared him. But there is nothing to prevent the money-lender from making fresh profit by accepting a bond instead of cash from Roger; and if I am right in my interpretation of this deed, with its Exchequer witnesses, it would seem that the court actually encouraged him to do so: we get, in fact, the picture of a convenient and semi-official Cade waiting on the court, especially when it was engaged in Exchequer business, equally ready to accommodate the King or his debtors or, if necessary, both parties. Such a proceeding would be quite in keeping with the experimental quality and skilful opportunism of Henry's administration: the only difficulty in the way of establishing it is that the debts on the roll, as we remarked before, cannot be made to match exactly any of the Pipe Roll payments to Cade. To this we must recur later; but it may be remarked in passing that there is no reason why a debtor should borrow from Cade, if he did borrow, the exact sum he was owing: he might manage with less; or human nature might suggest his taking, while he was about it, a little more.

A small further sign of Exchequer relations beside that already noted (the Farm of Dover) is the number of sheriffs ² who appear among Cade's witnesses; and yet another is the presence of some old notes on our No. VII which, though their meaning is obscure, ³ have certainly

¹ Cf. Pipe Roll, 11 Henry II (ed. Pipe Roll Society), p. 72.

² There are seven if we include Richard *Clericus*.

³ No great light is shed by the names which occur in it. *Adam de States* is possibly the *Adam de Staas* of the roll (lines 64, 77), though the amounts mentioned are not the same.

a suggestion of Exchequer practice about them. They obviously record small loans made, presumably, by Cade or one of his associates; but the *Firma* at the top and the word *compotus* might be taken to imply some connexion with Cade's official position: for in his personal book-keeping the Farm of Dover would almost certainly have been mixed up with his larger private transactions.

Pledges and Security. We approach here a subject susceptible of much more extended treatment than our space allows: for one thing we are within a year or two of the Constitutions of Clarendon and the quarrel between the King and Becket over (among other matters) the question of the jurisdiction of the Church in cases where there is *fides interposita*, an engaging of faith;¹ for another, because the principle of mortgage, as distinguished from *vivum vadium*, is at this time in the first stage of development in England; and for a third, because if Cade is, as has been suggested, the starting-point of our knowledge of the practice of money-lending in England we may easily find ourselves launched upon a discussion covering the whole of the medieval period. We must resist the temptation to embark on these fascinating lines of inquiry and be content here to touch only on a few points of immediate interest.

We may begin by turning back to the roll and noting that in twenty cases ² it mentions the existence of personal

¹ Constitutions of Clarendon, Cap. XV (quoted from Stubbs, *Charters*, 9th ed., p. 167): 'Placita de debitis que fide interposita debentur, vel absque interpositione fidei, sint in iustitia Regis.' For the whole question of *fides* see Pollock and Maitland, *History of English Law* (first edition), ii, pp. 196 *seq.*

² All save one are in the first half of the roll; the second half is devoted to debts for which there were only tallies, which probably offered less scope.

security; and that it seems to distinguish, as indeed Glanvill did,¹ between a pledge and a person who gives faith.² This is particularly interesting because Glanvill himself, as Dr. Round has pointed out,³ is found giving his faith for one of the debtors in the roll, as does the son of another. The remaining seventeen out of the twenty are pledges. Unfortunately the scribe of the roll was (as appears by comparison with our deeds) very capricious in mentioning or not mentioning such matters.

In the deeds both faith and pledge are much in evidence. In Nos. I, II, III, IV, and VI the debtor declares *hoc affidaui*, adding in No. II *propria manu*; in No. VII it is *hoc fide firmaui*, and in No. VIII *de hoc fidem dedi*. In addition in most cases friends have given their faith as well—in No. I the debtor's son and his clerk, in No. III his son, in No. VII his nephew, and in No. IV three friends; while in No. VIII three friends give faith and a fourth is *fideiussor*. On the other hand, in No. VI two bishops are pledges and No. V is simply a record of another personal pledge.

What are to be our inferences? In the first place we have the difficulty that the roll describes the *fideiussor* of No. VIII and one of the carefully distinguished givers of faith both as pledges! Are we to put this down to carelessness and accept the distinction between the *fides* and the personal pledge of a third party? and if so, what precisely is the meaning of the personal pledge? Have we here (we note that in the roll one of the pledges is *summonendus*) the beginning of a distinction between two kinds of personal security, one enforced by the Church

¹ Pollock and Maitland, ii, p. 200.

² *per fidem suam et plegium hominum suorum* (line 27).

³ *E. H. R.* xxviii, p. 527.

and one by the king's court? We must not do more here than suggest the questions; but may also note first that one¹ of four other early bonds known to us (to be considered again below) has the phrase *affidauī et sigillo confirmaui*, and secondly that one of our debtors (No. VII) makes a curious undertaking to surrender, in certain circumstances, his person to Cade—*reddam me in captiōnem suam*; though exactly what the result of this would be it is hard to say.

Finally we may suggest that the occurrence of a separate deed in the case of one *plegius* argues the original existence of many such documents and that the appearance of *fides* in every one of our deeds, though not generally mentioned in the roll, raises a presumption that whatever its effect and whatever its later history it was still at this time being used very largely in money-lending transactions. As regards Cade himself and his operations—if these were as extensive as we may easily suppose, and as closely interwoven with royal administration as we have conjectured, is it too wild a supposition that they may not have been altogether absent from the minds of those who framed Chapter XV of the Constitutions of Clarendon?

The question of material pledges involves at least the mention of very wide issues and may justify a fresh section.

The Question of Usury. Cade, we have seen,² could still be cited a generation after his death as the typical usurer; and the circumvention of the Church's law

¹ Duchy of Lancaster, Carte Miscellanea II, f. 39, printed by Dr. Round in *Ancient Charters*, p. 93, where it is dated 1190. Another has only *presenti carta confirmaui* and the other two mention neither pledges nor *fides*.

² From Professor Haskins's note, cited above.

against usury (as we know it must have been circumvented for the development of trade and finance in the later middle ages¹) is still something of an economic puzzle. As materials are opened up we are learning more and more of the part played by loans in the complex systems of public and private administration. What, then, was the consideration? is the question we find ourselves asking continually in the case of fourteenth-century transactions; and we may put finally the same query in the case of our bonds. How did Cade make his profit?

Let us begin with the cases where there is a material pledge of land. The position in Glanvill's day with regard to mortgage seems to have been² that it was legal as a bargain but at the same time a sin, with resulting risks not only spiritual but material; because if a party died in his sin the king might confiscate the property.³ There was also an uncertainty about security of tenure by the gagee,² which is reflected by a provision in our No. VII for the possibility of his being ejected. Our bonds give interesting evidence of a transitional state. In No. I the pledge comes first, introduced by *inuadiaui* (the remainder open with *debeo* and the debt); Cade is to hold the land on yearly tenure in the event of non-payment at the term fixed, but meanwhile the debtor is to hold, paying

¹ For the prevalence of usury in this period, see Tawney, R. H., *Introduction to Thomas Wilson's Discourse upon Usury*, p. 19.

² See Pollock and Maitland, ii, pp. 118-20.

³ Mr. H. G. Richardson queries my former suggestion that Cade's debts came to the Crown on his death because he was an usurer, but I can see no other explanation. That the subsequent collection of the debts should not appear on the Pipe Roll is not inexplicable, for they might have come in through other channels than the Sheriffs' Accounts. On the other hand it is difficult to see why, if the debts were paid off, the bonds were not returned to the debtors. Possibly in these seven cases the debts never were paid.

him the profits. In No. III the pledge is to take effect only in event of non-payment, after which Cade will hold. In No. VI we are merely told that for this debt *pono ei in vadium Chenigcote*; but the statement that the half-yearly rent is so much seems to imply that Cade is to draw the profits pending repayment. No. VII is elaborate: to begin with Cade is put in seisin and will presumably draw the profits; but in the event of non-repayment a third party is to hold the land from Cade and pay him a rent until the debtor, *by separate payments*, has cleared himself: and while this paying-off proceeds there are to be certain proportionate reductions of the rent paid to Cade. This last arrangement bears a very close resemblance to that seen in the bond of 1190 already cited;¹ and the holding of profits from land pending repayment of a debt is paralleled by an earlier bond of Queen Maud, wife of Stephen, to Gervase of Cornhill.²

The subtler legal points which may be inferred from these forms we must leave to another hand: one really needs a *corpus* of later bonds for purposes of comparison. What is clear is that the pledging of lands means, at least in some cases, enjoyment of their profits by the gagee and that these profits are not used for repayment of the

¹ See Round, *Ancient Charters*, pp. 93-5. Note, however, that in other respects arrangements are there different; the creditor himself is to hold at a rent which will be handed back to him in reduction of the debt.

² Duchy of Lancaster, Royal Charters, 22. This is printed by Dr. Round in *Geoffrey de Mandeville*, p. 120, but an essential clause, from our present point of view, is there omitted: 'Et quod superest de eadem villa preter .x. Marcatas terre predictas concessi ei libere et quiete [*erasure*] tenendas; donec ei persoluam debitum quod ei debeo, ut infra illum terminum habeat proficua que exhibunt de villa predicta. Et quando ego reddidero ei vel heredibus suis debitum suum; habeant ipsi stauramenta que ipsi posuerint super terram meam.' I am indebted to Mr. H. G. Richardson for a note on this.

capital. The proceedings are therefore usurious and with them may be classed our No. II, which frankly arranges a payment of twopence per pound per week *de lucro*, with provision for renewal on Cade's own terms in the event of non-payment—Richard the sheriff was evidently in sad need of money. We turn to the remainder, Nos. IV and VIII, in which there is mention neither of *lucrum* nor of *proficua*, neither security nor penalty for non-payment: adding to them two later examples¹ which show the same features and perhaps also No. III, in which there is security but no statement about *proficua*.

I suggest that in view of what we know of Cade it is absurd to suppose that he lent anything for nothing, and that the only explanation is that he sometimes exacted bonds for amounts larger than those of the actual cash advanced. The fact that two of the amounts here involved (and others in the roll) are *ad magnum pondus* may possibly shed further light on his methods: for in the roll we have had already (line 86) indication of a sum borrowed on the low rate and returnable on the high. Even without this the inference is, I think, reasonably safe; and once adopted it may lead us almost anywhere. Incidentally it would explain why none of the debts on the roll are matched exactly by payments on the Pipe Roll; but that is a small matter. The merit of this way of getting interest, from the usurer's point of view, and its demerit from that of the historian, is that it leaves no trace, as a rule, in the written record; but supposing we could get just so much proof as would justify us in

¹ Ancient Deeds, L. 108 and L. S. 49, the latter printed in *Ancient Charters*, p. 90, and also in transcript and facsimile in Johnson and Jenkinson, *Court Hand Illustrated*, Plate VII c. This is dated by Dr. Round 1188; and L. 108 is of the reign of Richard I.

inferring its employment in some of those unexplained and unsecured *mutua* with which the records of the fourteenth and fifteenth centuries (for example) present us so plentifully, what light might we not cast on certain dark places in the financial history of that period?

HILARY JENKINSON.

APPENDIX

(I)

Ancient Deeds, D. 5203 (Roll, line 2).

Parchment, about $8\frac{1}{2} \times 3\frac{1}{2}$ in. Medium size fairly current hand, typical of the period, but not showing exaggerated tall strokes: 9 lines.

Tongue and tie for seal: slight traces on former of large seal, about 2 in. diameter.

Date: from 2 November 1160 (*filius Regis . . . desponsavit*)¹ to following Easter.

. Sciant tam presentes quam futuri quod Ego Mauricius filius Gaufridi inuadiaui Willelmo Cade .xij. libratas terre in Wdeham super .lx. marcas. argenti quas ipse Willelmus mihi prestauit a² proximo Pascha postquam Henricus filius Regis anglie; desponsavit filiam Regis francie; in unum annum scilicet usque ad proximum³ pascha postea. Et si tunc ad pascha reddam ipsi Willelmo uel suis heredibus istas .lx. marcas. argenti. erit terra mea de Wdeham quieta. sin autem; tenebit ipse Willelmus de anno in annum; donec reddam illi⁴ pecuniam suam. Et si de ipso Willelmo defecerit; reddam istas .lx. marcas. argenti; heredibus suis. Et istas .xij. libratas reddam⁵ Willelmo ad .ij. terminos in anno. medietatem ad festum Sancti⁶ Michaelis. et medietatem. ad pascha. Et hoc affidaui ei tenendum. et Gaufridus filius meus. et Iuo clericus. Et istam conuencionem istius tenementi; tenebit

¹ Eyton, *Itinerary*, p. 52.

² a abbreviated in MS.

³ Altered from proximam.

⁴ An erasure here in MS.

⁵ reddam inserted above the line.

⁶ The S written over an erasure.

Willelmus uel heres suus; donec Ego ¹ Mauricius uel heres meus reddamus Willelmo uel suis heredibus istas lx. marcas. testibus. Episcopo de Ely. Comite legrecestrie. Iohanne Mareschallo Henrico filio Geroldi Camerario. Widone clerico.

(II)

Ancient Deeds, D. 5200 (Roll, line 31).

Parchment, about 6 × 3 in. Medium size rough set hand of the period : 7 lines. Root of tongue for seal and (probably) tie.

Date : not before Michaelmas 1159 (Richard sheriff of Hampshire).

Sciant Omnes tam presentes quam futuri quod Ego Ricardus vicecomes Hamtesire debeo Willelmo Cade lxj. libras. et xij. solidos. et viij. denarios. videlicet ad reddendum ipsi. uel Ernulfo filio suo. uel Eustachio fratri suo. Et pro unaquaque .libra .ij. denarios. de lucro In Ebdomada quam diu eas tenuero a festo Omnium Sanctorum usque ad Natale. Et si Infra illum terminum reddidero. ipse recepturus est illas cum prenominato lucro. Et si ultra tenuero; faciam grantum suum de Catallo et lucro. ad terminos et respectus quos mihi dare uoluerit. Et hoc tenendum affidaui propria manu mea.

(III)

Ancient Deeds, D. 5201 (Roll, line 34).

Parchment, about 4½ × 4 in. Small, narrow, crabbed writing of unusual type : 11 lines. Root of tongue for seal and (probably) tie.

Date : from 2 November 1160 (*desponsacionem filii Regis*) to following June.

Sciant presentes quod Ego Hamo prepositus de Cantuaria. debeo reddere. Willelmo Cade uel Ernulfo filio suo. uel Eustacio fratri suo. xli. marcas et dimidiam. scilicet ad primum festum Sancti Iohannis post desponsacionem filii Regis anglie. et filie Regis. Gallie. viij. marcas et xl. denarios. ad festum Sancti Michaelis infra octo dies .viij. marcas. et xl. denarios. et ad pascha infra octo dies .xxv. Marcas. Si autem ad predictas ² terminos. predictas xli. marcas et dimidiam. illi non reddidero. tunc pono illi in uadimonium omnia tenimenta ² mea que habeo. infra uillam Cantuarie et

¹ Ego inserted above the line.

² Sic MS.

Extra. et Molendinum meum. ad tenendum ¹ de anno in annum sine adquietacione quousque illi predictas .xlj. marcas. et dimidiam. reddidero. Hanc conuencionem tenendam affidaui ego. Hamo.² et Robertus filius meus. Testibus. Faremo. Hagone de doure. vicecomite. Iohanne Caldrun. Baldewino. Fleming. Iordano Selario. Roberto filio Henrici.

(IV)

Ancient Deeds D. 5197 (Roll, line 57).

Parchment, about $5\frac{1}{2} \times 3\frac{1}{2}$ in. Small but tall, fairly neat writing of the period, probably by same hand as No. vi : 8 lines. Root of tongue and tie for seals.

Date : 1157 (*Comes Theodoricus . . . mouit Ierosolimam*).³

Sciunt presentes et futuri quod Ego Anselmus Canpus Auene debeo reddere Willelmo Cade uel Ernulfo filio suo. uel Eustacio fratri suo vij xx 4 marcas argenti ad magnum pondus ad proximum Natale postquam Rex et Comes Theodoricus Flandrie simul locuti fuerunt apud duure antequam comes m[o]uit Ierosolimam profecturus et ad Pascha sequens. uidelicet ad Natale xxxij libras et x solidos et ad pascha l. libras. et superplus ad festum sancti Iohannis, et ad festum sancti Michaelis ante prescriptum Natale Hoc Ego affidaui. et Achardus de Auer. et Rogerus de sancto martino. et Robertus ruffus. Testibus. Reinaldo filio Berenger ³ Iohanne Bucgte ¹ petro filio Walteri. Iohanne Burgenun ³ Ricardo clerico et Arnaldo clerico Anselmi canpi de auena.

(V)

Ancient Deeds, D. 5196 (Roll, line 59).

Parchment, about $7 \times 1\frac{3}{8}$ in. Large, rough, tall hand of the period : 3 lines. Root of tongue for seal.

Sciunt tam presentes quam futuri. quod Ego Comes Gaufridus sum plegius pro Sawale de Oseuilla erga Willelmum Cade de .xix. libris argenti. reddendis ad purificationem Sancte Marie infra viij. dies scilicet. Purificacionis.

¹ Sic MS.

² Hamo abbreviated in MS.

³ Eyton, *Itinerary*, p. 32.

⁴ In the Roll vijth xx.

(VI)

Ancient Deeds, D. 5199 (Roll, line 73).

Parchment, about $5\frac{3}{4} \times 3\frac{1}{4}$ in. Neat writing, probably by same hand as No. iv (note typical *R*, *E*, &c.): 9 lines. Root of tongue for seal and (probably) tie.

Date: from October 1163 to January 1164 (*magnum concilium . . . apud londoniam*).¹

Sciunt Presentes et futuri quod Ego Rogerius de Olgi debeo reddere Willelmo Cade uel Ernulfo filio suo. uel Eustacio fratri suo² in Hospicio suo apud londoniam .C. et ix. marcas argenti .l. marcas ad proximum festum sancti Hilarii post magnum concilium Regis apud londoniam et lix marcas argenti ad subsequens festum sancti Michaelis et pro Istis .l. et ix marcis pono ei in vadium. Chenigcote quod reddit .x. libras per annum .C. Solidos. ad pasca. et c solidos ad festum sancti Michaelis.² Hoc affidaui et Episcopus. lincolniensis plegius. et Episcopus londoniensis. Testibus. Episcopo de Eli et archidiacono pictauienti. et Ricardo tesaurario. Comite legrecestrie. Ricardo de luci. Iohanne le marescal. et Baronibus de Scaccario. et Waltero Amundauilla. et Manese Arsic. petro filio Walteri Iohanne Bucunte.

(VII)

Ancient Deeds, D. 5202 (Roll, line 79).

Parchment, about $5\frac{3}{4} \times 4\frac{1}{2}$ in. Rather small and fairly current hand of the period, rather crowded at the end owing to remains of other writing at foot of parchment; this previous hand is a rather small one with no special peculiarities: 15 lines and 3 lines. Fold at foot pierced (both sides) by slit for seal tag of parchment.

Date: from April 1163 (*Gilbertus foliot . . . in episcopatum londonie*) to Easter following.

. Sciunt presentes et futuri quod ego Herueius de Montemor^c.² debeo. Willelmo Cade uel Ernulfo³ filio suo quater xx^{ti}. marcas argenti. super Sunedune. et super perendune reddendas ad proximum pasca postquam Gilbertus foliot fuit receptus in episcopa-

¹ Eyton, *Itinerary*, p. 64.

² *Sic MS.*

³ *The r of Ernulfo written over some other letter.*

tum londonie et eum inde saisiui. Et si tunc ei reddidero illas quater .xx. marcas ero quietus et terra predicta. sin autem; Willelmus Monachus¹ tenebit Sunendune. et perendun. de Willelmo cade. uel de Ernulfo filio suo de anno in annum et ei reddet xx libras. ad quatuor terminos sine adquietacione. ad festum uidelicet sancti Iohannis .C. solidos. ad festum sancti michaelis .C. solidos. ad natale .C. solidos. ad pasca .C. solidos. Sciendum est² quod ego Herueius de munmore³ non possum minus simul reddere quam xx. marcas ad unum de predictis terminis. Si autem ad pasca .xx. uel .xl. marcas reddidero³ tantum extunc decidet de redditu uillarum. Si autem ad terminos inter nos constitutos .xx. marcas reddidero extunc tantum decidet de redditu uillarum quantum pertinet. Et ita tenebit. Willelmus cade uel Ernulfus eius filius quousque debitum suum ad plenum consecutus fuerit. Hanc conuencionem tenendam fide firmaui et Ricardus nepos meus. et si contingit quod in aliqua willelmus de his uillis eiectus fuerit; ego infra .xl. dies. reddam me in capcionem suam apud londoniam. uel apud sanctum odmarum. hoc fide firmaui. testibus. Rogero de Wanci. Willelmo de rom. petro filio walteri. Iohanne bucu'nte⁴ Galfrido buc.⁵ Willelmo. buc.⁵ Anseis. Ingelbord. Talebot de Neuuenhed.

[The following is written, the reverse way up, at the foot of the document on the part folded and slit to take the seal-tab.]

DE FIRMA

Robertus tradidit post Compotum. Wimundo de flet iij marcas argenti infra natale reddendas super fidem suam et Ade de states. et Walteri morel. pro x. sumes orob'.⁵ i. peis.

Willelmo de reindun xxiiij denarios. Homini Walteri pec xij denarios. Willelmo de Warewic. vi. denarios.

Iohanni filio Viuien. xi. marcas. Roberto Camerario .x. solidos.

¹ A final o expunged in the MS.

² A u struck through in the MS.

³ This word inserted above the line.

⁴ Sic MS.

⁵ Ibid. Possibly the scribe, making notes hastily from a bond, misread ordi (ordei).

(VIII)

Ancient Deeds, D. 5198 (Roll, line 82).

Parchment, about $5\frac{3}{4} \times 1\frac{1}{4}$ in. A compact, old-fashioned hand, rather of an early twelfth-century type, not well written: 4 lines. Two cuts for seal tag (now missing) but no sign of fold.

Notum sit omnibus tam presentibus quam futuris. Ego robertus de genth debeo ¹ Henrico fanuel et malgero .xxv. Marcas magni ponderis usque in prima dominica. Quadregesime. soluendas. eis aut Willelmo cade. aut eustacio fratri eius. De hoc fidem dedi et Walterus de scotengi. et Radulfus butelgier. et Hugo de ganth. et Hugo scrop fideiussor est.

¹ *The d altered from some other letter.*

AN ITALIAN MASTER BERNARD

THE intellectual relations between France and Italy constitute an important and somewhat obscure phase of the revival of learning in the twelfth century.¹ The current plainly ran in both directions. If law flourished chiefly in Italy and spread thence beyond the Alps, theology was more actively cultivated in France and, in the form which it received at the hands of Anselm of Laon and Abaelard, exercised a definite influence upon the canonists as well as the theologians of Italy. While the study and imitation of ancient authors was in this period most active in France, the new rhetoric first flourished in Italy, at Monte Cassino and then at Bologna, whence it was transplanted later in the century to Orleans and other schools in the valley of the Loire. We know very little concerning this process of transfer, yet it deserves fuller study, for while rhetoric was devoted chiefly to the art of letter-writing, it had at the same time significant relations with formal grammar, with the reading of Latin authors, and with poetical composition. Moreover, the presence of proper names in these rhetorical treatises enables us to date and localize them with a precision which is rarely possible elsewhere. Their authorship, however, is not always clear, and the question is complicated by the confusion among certain masters of rhetoric who bore the name of Bernard. It is the purpose of this paper to throw light on the problem of

¹ For the eleventh century, compare the suggestions of F. Novati in *Comptes rendus de l'Académie des Inscriptions*, 1910, pp. 169-84.

the Bernards, and incidentally to illustrate the migrations of this type of literature in the twelfth century.¹

In 1893 the question of the various Bernards was attacked by Charles V Langlois in an able article on 'Maître Bernard',² in which, on the basis of an examination of a large number of manuscripts, the distinction was clearly established between Bernard de Meung, a *dictator* in the Orléanais c. 1200, and an earlier Bernard whose work he condensed and supplemented by models of letters chosen from his own time and milieu. This earlier Bernard Langlois then proceeded to identify with Bernard Sylvester of Tours, known chiefly as the author of a *Cosmographia* written c. 1147-8 and a commentary on the first six books of the *Aeneid*, but also mentioned as a teacher of *dictamen* by his pupil Matthew of Vendôme; and three manuscripts of a *Summa Bernardi* preserved at Vienna, at Brussels, and at Bruges were accordingly assigned to Bernard Sylvester. Langlois's further attempt to identify Bernard Sylvester with the famous grammarian Bernard of Chartres, known to us especially from the description of his teaching by John of Salisbury, concerns us less directly, as it has failed of general acceptance, chiefly on chronological grounds.³ In 1911 H. Kalbfuss discovered in a Mantuan codex *Introductiones prosaici dictaminis a Bernardino utiliter composite* from Bologna

¹ Bütow, *Die Entwicklung der mittelalterlichen Briefsteller bis zur Mitte des 12. Jahrhunderts* (Greifswald, 1908), treats only Italy. For a Bolognese treatise of c. 1111-18, transplanted to France soon after 1129, see my paper in the *Mélanges Pirenne* (Brussels, 1926), pp. 201-10; and W. Holtzmann, in *Neues Archiv*, xlv. 34-52 (1925).

² *Bibliothèque de l'École des Chartes*, liv (1893), 225-50, 792-5.

³ See particularly R. L. Poole, 'The Masters of the Schools at Paris and Chartres in John of Salisbury's Time', in *English Historical Review*, xxxv (1920), 321-42.

c. 1147-52, which he described at some length¹ but in ignorance of Langlois's discussion. Now, while Langlois's Vienna manuscript presents a special, and a later, problem, the *Summa* contained in his Brussels and Bruges manuscripts is identical with that at Mantua and is also found in five other manuscripts not examined by either of these investigators; and this treatise seems in the first instance to be clearly the work of an Italian at Bologna c. 1145. It begins with a long poetical introduction:²

Consimiles³ res omnis amat nec competit umquam
 Siquis dissimiles res simul esse velit.
 Hinc, presens quia vita brevis brevitatis amica
 Nec prolixa cupit nec spatiosa petit,
 Hinc ego succincte tamquam brevitatis amator
 Hec breviter studui dogmata summa dare,
 Ut brevis⁴ operis det posse placere modernis
 Et laudem merito possit habere suo.
 Nam veteres, pia turba, duces ut scripta placerent,
 Semper in arbitrium iudicis ipsa dabant,
 Cuius iudicio tantum commenta placebant
 Quantum censor erat maximus atque potens.
 Sic Mecenate dedit auctor Oratius odas;
 Sic Ciceronis opus Atticus ipse probat;
 Sic artis prime dedit auctor opus Iuliano,⁵
 At decus eternum laude probantis habet.
 Ast ego grata satis rudibus documenta ministrans
 Nullius arbitrio scripta relata dabo.
 Ipsum se⁶ commendet opus preciosaque semper
 Auctori faciat munera ferre suo;

¹ *Quellen und Forschungen aus italienischen Archiven*, xvi, pt. 2, pp. 1-35 (1914).

² MS. Graz 1515, f. 46 (MS. A). For the manuscripts, see below. This introduction is lacking in MSS. B, D, H.

³ So E, F, G, I. A and C have *consimilem*.

⁴ So MSS. E, F, G, I. A has *veritas*.

⁵ The *Institutio de arte grammatica* of Priscian, dedicated to the consul Julian.

⁶ E, F, G, *me*.

Et si mixta bonis aliquis probus ¹ improba noscat,
 Recta probet, caute reproba corripiat.
 Nam nichil ex omni perfectum parte notatur
 Rebus in humanis : hoc Deus unus habet.

Correptio invidorum.

Invide, latratus iam moneo reprime cassos
 Et vertas animos ad mea vota tuos.
 Perlege doctrine gratissima seria nostre,
 Qua potes eximia commoditate frui,
 Ut ² tibi non modicum carpseris utilitatis,
 Reicias cunctos invidie stimulos.
 Auctorem laudato Deum quem ledit aperte
 Siquis in hoc opus invidiosus erit :
 Bernhardus siquidem tantummodo verba notavit
 Cuncta velut docuit Spiritus Almus eum.

The forty lines ³ of *Commendatio additionis* are uninteresting, unless it be these :

Non est sanctorum monachorum fingere metra.
 Carmine leniri dudum fera corda solebant,
 At nunc carminibus mollia corda tument.

The text itself begins :

De dictaminum igitur scientia grata rudibus documenta evidentem ministrare desiderantes, tam doctrina quam sermonibus omne difficultatis obstaculum ex industria studuimus devitare. Huius videlicet summe. . . .

The body of the treatise, as Kalbfuss has shown in his study of the Mantua manuscript, is based upon the anonymous *Rationes dictandi* anterior to 1137 published by Rockinger, who incorrectly ascribed it to Alberic of

¹ So E, F, G, I. A, *prius*.

² *Et tibi*, E; *Est tibi*, F; *Ast ibi*, G.

³ So in MS. A. MSS. E, F, G, I have only the first four lines, which begin :

Quamvis letari soleant novitate moderni.

Monte Cassino.¹ In general the definitions follow the *Rationes*, but the illustrations are different and at many points further developed. New is the elaborate description of *exordia* and the stylistic section *De diversis modis dictandi*. There is also a discussion of the three styles—*infinitum*, *sublime*, *mediocre*—in the course of which there is some treatment of history. There are no citations of classical authors save Cicero, a fact more characteristic of Bologna than of Orleans. Not only is the body of the text in line with the Bolognese tradition, but the salutations point to the same origin. This, however, we can discuss best in relation to the several manuscripts:

A. University of Graz, MS. 1515, ff. 46–127 (saec. xii). Cf. Loserth, in *Neues Archiv*, xxii. 300. F. 46, without heading. ‘Consimilem res’ . . . F. 47v, ‘Narrationis initium: De dictaminum igitur’ . . . F. 105, ‘Hec ad prosaici dictaminis doctrinam sufficere arbitramur. Nunc ad reliquas eius species (f. 105v) prosequendas mentis intuitum dirigamus.

Versificaturo tibi quedam tradere curavi

(f. 127) sed has ad rudium doctrinam ad presens sufficere arbitramur. Explicit liber metrorum sufficientissima eruditio a Bernhardo constituta.’ The salutations (ff. 55–59v) concern primarily the region of the Romagna and the Marches: Ravenna, Rimini, Ancona, Modigliana, Faenza (f. 89). Those that take us farther afield are scattered and well known: Bernard of Clairvaux, A. bishop of Arles, A. archbishop of Mainz, A. bishop of Paris, A. prior of St. Victor, P. abbot of Cluny, and those addressed in the following (f. 59v): ‘Cunradus Dei gratia Romanorum rex vel imperator augustus A. venerabili Lugdunensi archiepiscopo (1144–47) vel P. Aquileiensi patriarche salutem et gratiam, vel

¹ *Quellen und Erörterungen zur bayerischen und deutschen Geschichte*, ix. 1–28 (1863). Some still earlier writer may be the source of the harangue at the close of Bernard’s prose treatise addressed to the princeps Romanorum as ‘mi fili Heinricc victoriosissime princeps’. MS. A. ff. 103v–105; MS. B, ff. 47v–49 (without the emperor’s name).

Pictaviensi comiti vel Mediolanensi populo gratiam et bonam voluntatem.' The mention of Pope Lucius II (1144-5) with Conrad III (1138-52) and M[oses] archbishop of Ravenna (1144-54) fixes the date in 1144-5.

B. Vatican, MS. Pal. lat. 1801, ff. 1-51 (saec. xii). F. 1, 'Incipit prologus Berhardi in librum dictaminum. Dictaminum grata rudibus' . . . F. 49, 'Hec ad doctrinam prosaici dictaminis sufficere arbitramur.' Then, omitting the discussion of feet and quantities in MS. A (ff. 105v-124v), 'Versuum alii exametri' . . . F. 51, 'et his ad mesticie designationem utimur' (= A, f. 126v). The salutations (ff. 9-12v) agree with those in MS. A, Lucius being still Pope, but in the imperial document (= A, f. 59v) we have (f. 12v) Frederick as emperor, E. archbishop of Salzburg (1147-64), and Regensburg in place of Milan. Northern influence also appears (f. 12) in a priest of Friesach.

C. Savignano di Romagna, MS. 45. 160 ff. (the first folio serving as cover) partly numbered, of c. 1200 (some ę's). Cf. Mazzatinti, *Inventari*, i. 96, who wrongly places it in the fourteenth century. F. 1, 'Metricum proemium de opere huius libri edimus. Consimilem res' . . . F. 1v, 'Incipiunt capitula prosaici libri' (26). F. 2, 'Incipit liber artis omnigenum dictaminum. De dictaminum igitur' . . . F. 38, 'Incipit liber artis metricae. Insinuandum est vobis' . . . (= MS. A, f. 105v). F. 59, 'Grata rithmorum documenta noviter ab odore bono ad animorum iocunditatem edita incipiunt.

Phylosophia suos inter nutritivit alumpnos
Pitagoram cuius vita beata fuit.'

F. 59v, 'De tertio genere dictaminum rithmico videlicet.' F. 70, 'Expliciunt colores rethorici prosaice compositi. Incipiunt colores rethorici metricae compositi ab eo qui bonus odor interpretatur. Tu mihi lex mihi rex' . . . F. 72v, 'Expliciunt colores rethorici. Incipit doctrina invectivorum satis commoda.' F. 83v, 'Per metra conficta sunt hic proverbialia dicta.' F. 87v, 'Incipiunt multiplices epistolę quę diversis et variis negotiis utiliter possunt accommodari a Bernardino compositę, et primum epistola filii ad patrem. Bernardus patri carissimo V.' . . . F. 112v, poetical examples: 'Ordo

monasticus' . . . F. 115, 'Mirę commoditatis epistolę a pluribus sapientibus editę incipiunt quę secundum dictatoris industriam multis negotiis accommodantur.' F. 134, 'Incipiunt epistolę secundum rectum et naturalem ordinem a Guidone non inutiliter compositę.' F. 154, 'De penultimis syllabis.'

This is the fullest MS. of Bernard's work, although in its present confused state it is not easy to identify every part. Besides the material found in MS. A, we have here the only discovered copy of the book on rhythmical *dictamen*. If we interpret *bonus odor* as a play on Bernardus, he may also claim the page of *documenta* and the *colores rethorici*. The models on ff. 87v-112 are connected with Bologna, Nonantola, Imola, and Arezzo, and have much in common with those printed from MS. D by Kalbfuss; besides the evidence of the title we find Bernard addressed on f. 92 (=Kalbfuss, p. 10, note 5 end), while 'Ber. Aretinę ecclesię plebanus' appears on f. 95. The collection on ff. 115-34 deals with Tuscany temp. Adrian IV (1154-9); in the Bolognese collection of Guido (ff. 134-154) Frederick is emperor and William is king of Sicily. The salutations on ff. 9v-16v correspond in general to those in MS. A: Conrad III is still emperor but Lucius II is not mentioned; L. bishop of Parma (1134-62), R. bishop of Fano (1135-59), R. bishop of Faenza (1141-67), and the dean of Fermo serve to fix the collection more firmly in the neighbourhood of Bologna, and there are no distant names except those noted in MS. A.

D. Mantua, MS. A. II. 1, ff. 73-122 (saec. xii). See the description, which I have verified, by Kalbfuss, in *Quellen und Forschungen*, xvi, 2, pp. 1-35. F. 73, 'Ad discendam illam scientiam' . . . The salutations (ff. 76v-78v) are of the time of Eugene III (1145-53) and Conrad III (1138-52), and include references to Arezzo and Bologna. The same persons and places recur repeatedly in the appendix of models (ff. 107-122), most of which are printed by Kalbfuss, so that this redaction falls clearly 1145-52.

E. Poitiers, MS. 213, ff. 1-32, c. 1200. F. 1, 'Incipit dictaminis prosaici competens erudicio a Bernardino ad omnem utilitatem diligenter constituta. Consimiles res' . . . 'De dictaminum scientia' . . . Ff. 4-6, salutations as in MSS. A and C, save that

Eugene is Pope and T. bishop of Reggio is mentioned. Ff. 19–22v, ‘doctrina privilegiorum’, with examples: Eugene III for the canons of Paris in 1155 (!);¹ Conrad III in 1158 (!); Stephen [*sic*] archbishop of Rheims temp. Eugene III; Henry [*sic*] count of Poitou. Ff. 22–31, exordia. F. 31, privilege of Adrian IV for L. canon of Orleans. F. 32, Explicit. Here we have a text of Italian origin and still of 1145–52; but with hasty attempts to modernize the dates (1155–8) in the examples, in which French places now appear.

F. Bruges, MS. 549, ff. 57–105v (early 13th cent.). This corresponds closely with MS. E, both in the opening portions, in the salutations (ff. 61–63), and in the examples of privileges, which have the same errors of name and date (ff. 85–87v). On f. 88 the preface to the exordia (MSS. A, f. 89; B, f. 36; D, f. 92; E, f. 22) meets us in a fuller form which shows the author’s relation to Faenza: ‘Incipit libellus exordiorum Bernardini dictaminis professionis magistri ad Henricum ab eo nimium dilectum. Licet, mi Henrice carissime, tum imminentis² Faventine ecclesie perturbationis incommodo tum siquidem quibusdam specialibus mee persone sollicitudinibus prepeditus, gravior sim ac laborosior solito, tuis tamen precatibus immensis non parum commotus, pro temporis et otii largitione voluntati tue satisfacere disposui’. . . . The explicit on f. 89 is evidently an error, since after a blank in the original hand the exordia go on from f. 90 to f. 105v. Another hand has copied on f. 80v an excommunication by the bishop of Segovia, on f. 89 a letter of Alexander III from Sens ‘xvi. kal. M.’ [1164–5] concerning the schools of St. Venant, and on ff. 89v and 105v a letter to Alexander III from the dean and chapter of Bourges respecting violence of R. of Issoudun against the treasurer.

G. Brussels, MS. 2070, ff. 92–104 (saec. xii). Cf. Wattenbach, in *Anzeiger für Kunde der deutschen Vorzeit*, xvi (1869), 189 ff. F. 92, ‘Summa dictaminum. Consimiles res’. . . . ‘De dictaminum’. . . . f. 104 . . . ‘oblivioni mandatur’ (exordia). In the salutations (ff. 93v–95) and privileges (ff. 100v–101v) Eugene is Pope, while both Conrad and Frederick appear as emperor; Ancona, Rimini (disfigured), Ravenna, Faenza, Reggio, and Fermo still survive, but Cologne, Mainz, Utrecht, and Xanten appear,

¹ Ed. Omont, in *Bulletin de la Société d’Histoire de Paris*, 1894, p. 196.

² Corrected from MSS. A and B. F has *munimentis*.

with emphasis on Cologne and specific mention (f. 101) of Archbishop Reinald (1159-67) as chancellor of Frederick. A text of 1145-52 has evidently been brought to Cologne, in the time of Reinald of Dassel,¹ perhaps via France, since the 'ego Stephanus archiepiscopus hoc decretum manu mea firmavi' of the Rheims document in MSS. E and F meets us at the close of a letter of H (!) archbishop of Cologne on f. 101v.

H. Vatican, MS. Vat. lat. 9991, ff. 97-104v (late 12th cent.). Anonymous fragment containing introduction and exordia, without proper names.

I. Vienna, MS. 246, ff. 51-57v (saec. xiii). Cf. Langlois, loc. cit., pp. 226 ff. F. 51, 'Consimiles res' . . . 'De competenti dictaminum et grata scientia documenta rudibus evidentem ministrare desiderantes, tam doctrina quam ² sermonibus omne difficultatis obstaculum studemus ex industria vitare. Istius videlicet summe . . . primo quid sit dictamen, secundo quod et que sint genera dictaminis, tercio quod et que sint necessaria, quarto quod et qui sint cursus in arte dictaminis'. . . . 'Dictaminum ⁱⁱⁱⁱ^{or} sunt genera, nam aliud est prosaicum, aliud metricum, aliud prosemetricum, aliud rithmicum. De metrico et rithmico alibi docetur'. . . . Here, with four species of *dictamen* instead of Bernard's two, the treatment diverges rapidly from the preceding MSS., giving other definitions of *epistola* and a more elaborate discussion of salutations in the course of which Bernhardus sometimes represents the writer of the letter. Italian places disappear completely, and the examples are almost wholly French: archbishops of Auch, Narbonne, Mainz, Salzburg, bishops of Beauvais, Tarbes, Dax, Paris, and Regensburg, Thibaud count of Blois and seneschal of France (1153-91). The Pope is Innocent (1198-1216); the emperor Otto (1208-18); John is king of England (1199-1216); and there is a Latin emperor at Constantinople (1204-). So (f. 55v) in changing certain verses of the original (MS. A, f. 60),

Spernere pravorum consorcia cuncta virorum

has become applied to Blois :

Spernere Blesorum semper mala verba virorum.

¹ On his relation to the culture of Frederick's court cf. R. Holtzmann, in *Neues Archiv*, xlv. 307-13 (1922). ² Repeated.

There is, as the preface promises, a chapter on the *cursus* (f. 53) which is absent from the other manuscripts. The concluding part of the treatise is concerned with proverbs and petitions (f. 57v . . . 'loci vel temporis intervallo'). In treatment, as well as in time and place, we have travelled far from the Italian Bernard.

This survey of the manuscripts clearly establishes certain points. The treatise on prose *dictamen* was written by a teacher named Bernard in the Romagna in 1144-5 (MSS. A and B). This was revised in the same region and probably by the author himself between 1145 and 1152 (MSS. C, D, E, F, and G). As early at least as the second redaction the models were provided which meet us in the manuscripts of Savignano (C, ff. 87v-112) and Mantua (D). The name Bernard indicates that this collection was the work of the author of the treatise, and the place-names point to the same region, with emphasis upon Bologna in the student-letters which are usual in such collections.¹ Before long a copy of the first redaction (MS. B) has taken on elements from the eastern Alps,² and the second redaction early crosses the Alps. By the time of Adrian IV (1154-9) and probably by 1152 this has reached France (MSS. E and F); and by 1159-67 (MS. G) it has been localized at Cologne. The versified preface survives, even as late as the quite French treatise preserved in MS. I. On the other hand, the treatise on poetical *dictamen*, assuming that the same Bernard was its author, early drops out, being preserved

¹ See my paper on 'The Life of Mediaeval Students as illustrated by their Letters', in *American Historical Review*, iii. 203-29 (1898).

² Cf. the contemporary *Liber dictaminum* written in the region for monastic use by a certain Baldwin and preserved in the Graz MS. 1515 ff. 1-20. Eberhard (1147-64) is here likewise archbishop of Salzburg, Romanus bishop of Gurk (1131-67), Conrad Emperor (1138-52), and Eugene Pope (1145-53).

only with the early prose redactions in MSS. A, B (latter part only), and C.

The author of the prose treatise, Bernardus or Bernardinus, regularly calls himself *dictaminum professionis minister*. Sometimes he plays upon *bonus odor* as explaining the etymology of Bernardus. He also appears as *clericus et Tullianus imitator*, but tells us nothing of his training. Kalbfuss (p. 11) conjectures a master Hermann as his teacher, while both the treatise¹ and the collection of letters point to some connexion with the students of Bologna. In one passage (see under MS. F, f. 88) he is plainly attached in some way to the cathedral of Faenza, while the mention of *Ber. Aretinę ecclesię plebanus* in the Savignano MS. (ff. 94, 95), taken in conjunction with the prominence of Bishop Jerome of Arezzo (1144-77) in the collection of letters, implies a position at Arezzo also. If there is not enough here to reconstruct a biography or define a literary personality, we can at least distinguish the Italian Bernard sharply from Bernard of Tours.

While the original treatise is clearly of Italian origin, it is plain from the manuscripts that it had early passed into France, whether into the hands of Bernard Sylvester we cannot say. Indeed the author of the first redaction is already acquainted with French visitors to Bologna.² We have seen that it was used to a certain extent by the author of the treatise in MS. I, and Langlois has shown that it was utilized by Bernard of Meung. Both of these, however, belong obviously to a later age, as is seen not only in the dates of their salutations but in their elaborate

¹ See the next note.

² 'Ex quo divina vos comitante gratia de Gallie partibus Bononiam venistis, quo dilectionis affectu vos viderimus et qualiter vobis prompta devotione paruerim ipsis rerum effectibus evidenter, ut arbitror, agnoscitur.' Exordium in MS. A, f. 97v; MS. B, f. 43.

discussion of the *cursus*, a topic not treated by the Italian Bernard. There is a gap here which requires further study. In any case the prose *Summa* of Bernard Sylvester is still to seek.

Have we from him a treatise on metrical composition? There is in the Stadtbibliothek at Erfurt,¹ as Langlois has pointed out, a brief tractate in a hand of *c.* 1200 which the catalogue entitles *Liber de metrificatura Bernardi Silvestris optimi poete*. As the manuscript has no heading, this ascription seems to rest only on the authority of the catalogue of 1412, but a Bernard is claimed as the author by the opening distichs :

Quid sit oportunum cupientibus edere versus
Iste quaternellus sufficienter habet,
Quem Bernardinus, sociis ad vota favendo,
Exlicuit breviter fructibus ex variis
Et, quatinus sua Musa sibi memoranda paravit,
Addidit huic studio sicque peregit opus.

The treatise then begins : ' Litterarum genere alie sunt vocales alie consonantes . . . ' It ends (f. 58v) : ' Si vero fuerit longa natura, gravabimus antepenultimam et circumflectemus penultimam, ut fortuna. Amen.' What comes between is, after introductory discussions of letters and syllables in the manner of Priscian, chiefly an elaborate account of the rules of quantity, with various poetical examples which for the most part likewise go back to Priscian. In the only passages on metre the author contrasts the *vetusti* and *prisci* with the *moderni*. Thus (f. 53) :

Cum plurimas et diversas maneries priscorum memoranda stauisset auctoritas, tres utique sunt presertim quibus nos moderni iugiter utimur, dactilus, spondeius, atque trocheus. . . (f. 53v)

¹ MS. O 16, ff. 52-58v, which I know from photographs. Cf. Schum, *Beschreibendes Verzeichniss*, p. 684 ; Langlois, p. 235.

Preterea notandum est quod ex plurimis metrorum generibus duobus presertim moderni utuntur, exametron videlicet qui et heroicus dicitur, et pentametron qui et elegiacus nuncupatur.

Again (f. 54v) the discussion of poetic licence and *synaliphe* begins:

Multa quidem prisco[s] et varia auctores usos licentia reperimus que nobis ex toto non expedit observare, tamen quibus inreprehensibiliter utimur, deinceps expresse tractabimus. Ut enim de illa quam in metris habuerunt licentiam primitus videamus, inveniuntur quidem vetusti auctores in omnibus ex[a]metris pedibus sua usos fuisse licentia. In primo, ut Virgilius, Reice ne maculis. . .

Before, however, we hasten to credit this treatise to Bernard of Tours, we should note that much the same material and many identical passages occur in the corresponding section of the Italian Bernard, as preserved in MSS. A, B, and C. Although in his preface he proposes to treat prose *dictamen* only,¹ when he has finished this he says in the Graz MS. (f. 105):²

Hec ad prosaici dictaminis doctrinam sufficere arbitramur. Nunc ad reliquas eius species (f. 105v) persequendas mentis intuitum dirigamus.

Versificaturo tibi quedam tradere curavi
Scemata verborum studio celebrata priorum,
Que sunt in prosa quoque non minimum speciosa.
Si potes his veluti gemmis aut floribus uti,
Fiet opus clarum velut ortus deliciarum
Quo diversorum fragrantia spirat odorum.

.

[ten more lines]

Insinuandum est vobis prius, o socii, quo in doctrina ista simus ordine processuri, ut cum universa vos consecutos esse noveritis

¹ 'Quoniam nostre intentionis est in hoc opere de prosaico solum pertractare.' MS. A, f. 48.

² So also the Savignano MS. (f. 38), without the verses and preceded by 'Incipit liber artis metrice'.

nichil ad metrorum (f. 106) periciam esse reliquum indubitanter intelligatis. Primo ergo quicquid de varietate litterarum metricos nosse oporteat in medium proferemus. Secundo quibus vel quot modis unaqueque sillaba longa vel brevis seu communis valeat agnosci competenter docebimus. Tercio expressas et exploratas regulas inter dictiones primarum mediarum ultimarum sillabarum seriatim assignabimus. Demum varietates metrorum quibus nunc utimur sub congruis exemplaribus subnectemus.

Indubitanter itaque nosse oportet quod litterarum alie sunt vocales alie consonantes. . .

In spite of their different beginnings and some differences in the order of topics, the two treatises are in close agreement throughout, and many long passages are verbally the same. Thus the sentences on metre already quoted read in the Graz MS. (f. 110):

Cum plurimas et diversas pedum maneries priscorum memoranda studuisset auctoritas, tres utique sunt presertim quibus moderni utuntur, dactilus, spondeus, atque trocheus. . . . De plurimis vero metrorum generibus quibus prisci auctores Musarum varietate ludentes uti fuerunt duo tantummodo ad frequentiore usum moderna tempora assumpserunt, exametrum videlicet quod heroicis dicitur pentametrum etiam [quod] elagiacus dicitur. . . . (f. 123) Multa quidem et varia priscos auctores licentia usos fuisse reperiunt qui eorum libris intellectus legendo applicuerunt. Nos autem, nichil reprehensibile vel indignum auditoribus nostris relinquere cupientes, omnes veterum auctorum licentias quas in metris habuerunt in medium proferemus et quas irreprehensibiliter ex- (f. 123v) pediat observare docere curamus. Inveniuntur igitur vetusti auctores in omnibus exametri carminis pedibus suam tenuisse licentiam. . .

The Erfurt copy is alone in illustrating in detail the quantities in *rationabilitudinibus* (f. 54) and in having a brief concluding section on accent, while it lacks the closing chapter on metres of the Graz codex (f. 124v):

Sed [ut] ad metricæ perfectionem scientiæ nichil in presenti

dogmate minus continens reperiatur, de carminum varietate quam pocius libitu quam auctorum ratione distinximus in fine opusculi pertractemus. Prima igitur et generalis divisio hec est : versuum ¹ alii exametri alii pentametri nuncupantur. . . . Inter hos itaque trina diversitas convenienter exprimitur ; possunt enim fieri leonini, caudati, et paracterici. . . . (f. 125) In solis autem exametris decem ² modis congrua diversitas designatur : aut enim possunt fieri leonini aut caudati aut pariles aut dactilici tripertiti caudati aut reci- (f. 125v) proci aut retrogradi, alii intercisi alii concatenati alii circulati alii citocadi.³ . . . (f. 126v) Sunt forte alie carminum (f. 127) maneries sed has ad rudium doctrinam ad presens sufficere arbitramur. Explicit liber metrorum sufficientissima eruditio a Bernhardo constituta.

The differences between the two texts show two editors and not merely two scribes, while the resemblances are too close to be explained by the joint use of the obvious older sources such as Priscian and Bede. Either (1) the two Bernards have worked over another's treatise composed for 'modern' use ; or (2) the Italian Bernard has used the treatise of the Erfurt text ; or (3) the Bernard of the Erfurt codex, perhaps Bernard of Tours, has worked over the Graz text, substituting his better verse for that of his predecessor. Neither treatise offers references to persons and places. A definite choice among these alternatives must await further exploration of the early treatises on metrics, a study which would furnish the background for those more ambitious works on poetic

¹ MS. B begins here (f. 49).

² MS. B, f. 49v, has twelve, adding *tripodantes* and *pariles colligati*. On the various medieval forms of the rhymed hexameter see W. Meyer, *Gesammelte Abhandlungen zur mittelalterlichen Rhythmik* (Berlin, 1905), i. 79-98.

³ Both MS. A, f. 125v, and MS. B, f. 50, give the following example of *versus caudati* :

⁶ Laudibus eximiis Bernhardi facta notemus
 Et studio celebri bona nos ad metra paremus.

style and diction which have recently been edited and commented upon by Faral.¹ Meanwhile, whatever be its dependence on earlier works, we may confidently ascribe to the Italian Bernard the treatise on metrical *dictamen* which, omitted from the other manuscripts of his prose *dictamen*, is preserved at Graz and Savignano and at the Vatican; very possibly also the rhythmical *dictamen* of the Savignano codex.² This side of Bernard's activity manifests a broader and more humane tradition than has been generally associated with the Italian rhetoricians of the twelfth century. The metrical treatise of Bernard of Tours still awaits secure identification.

CHARLES H. HASKINS.

¹ E. Faral, *Les arts poétiques du XII^e et XIII^e siècle* (Paris, 1923).

² The Savignano codex requires more careful study than I was able to give it on my brief visit in June 1925, when I had only scanty material for collation and no time for extended copying.

THE REGISTER OF MASTER DAVID OF LONDON, AND THE PART HE PLAYED IN THE BECKET CRISIS

I

IN his introduction to Ralph de Diceto in the Rolls Series, Stubbs refers to 'Master David, a canon of St. Paul's, whose literary remains were a few years ago published in the *Spicilegium Liberianum*'.¹ Fourteen years ago, when I was working in the Vatican Library, I came across the manuscript² in which these letters are contained. Other work intervened, and I have only recently looked into this subject again. This manuscript has never been described, and it is not mentioned by Duffus Hardy. Liverani was the first to make use of it, and in his *Spicilegium Liberianum* (Florence, 1863) he published 105 pieces from it, most of which had not appeared in print before; a few of these were used later by Robertson in *Materials for the History of Thomas Becket*, vols. v-vii, in the Rolls Series; a few letters of the Pope and cardinals were printed independently by Pflugk-Harttung in his *Acta pontificum inedita* and *Iter Italicum*. Most of them, therefore, can be read only in the edition of Liverani, a quite untrustworthy editor. He has broken up the order in the manuscript, on which a good deal depends, and arranged the letters under their writers' names; the writers are

¹ Stubbs, W., *Historical Introductions to the Rolls Series*, p. 61. Cf., also, his *Lectures on Medieval and Modern History*, pp. 139 f.

² Cod. Vat. 6024. I possess facsimiles of the 16 folios with which I am principally concerned, and of specimen pages of the other parts of the manuscript. In my account of the manuscript as a whole I am depending on the detailed notes I took at the time.

arranged alphabetically, and their letters placed in any order. But, besides this, he has made numerous errors in transcription, especially with regard to proper names, and various mistakes in the headings; when a letter was without a heading he usually repeated that of the preceding letter. In these errors he has been followed by Robertson in the Rolls Series, who, though he consulted the manuscript, was usually content to accept Liverani's version, blunders and all; in his foot-notes Robertson has hopelessly mixed up the readings of the manuscript and the editor. He has added a further confusion of his own by referring (in his Introduction and usually elsewhere) to this manuscript as Cod. Vat. 6027, which is also a collection of letters of the same period, being in fact a seventeenth-century transcript of Cod. Vat. 1220—the manuscript from which Lupus printed his *Epistolae et Vita divi Thome* in 1682.¹

Cod. Vat. 6024 is a small quarto volume of 211 folios (containing 776 pieces) written in double columns by different hands, probably all English, in the thirteenth century.² The following is a rough description of its contents:

1. fol. 1–29 (4 quires). Letters, &c., of Hildebert bishop of Le Mans, later archbishop of Tours (82 pieces). See Migne, *P. L.* clxxi. Liverani printed two of these, but both are in Migne.

¹ Robertson followed the same method of quoting, and confusing, the readings of Lupus and Cod. Vat. 1220. I have good reason for believing that he relied too much on the equally untrustworthy edition of Gilbert Foliot's letters by Giles, but in this case I have not seen the manuscript. As to the MS. Cotton, Claudius B. II, on which he mainly relied, he failed to notice that it had undergone considerable correction. I believe that in its original form it corresponded very closely to the Cave MS., which Robertson distrusted, considering its 'superior smoothness' was due to corrections.

² On this and other palaeographical points I am indebted to Dr. E. H. Minns and to Mr. Rogers, late of the Cambridge University Library, who examined the photographic facsimiles in my possession.

2. fol. 30-71 (6 quires). Correspondence of Arnulf bishop of Lisieux (106 pieces). These differ in many respects from the collection edited by Giles. Though fewer in number, 17 are not in Giles; 4 of those printed by Liverani are in Giles.
3. fol. 72-139 (8 quires, 1 double). A collection of Becket correspondence, with an Index attached (277 pieces). The last 68 are all letters of Pope Alexander III. This collection, though less complete, corresponds very closely with that in the British Museum MS. Reg. 13. A. xiii. Robertson used neither of these. Liverani printed four of the Pope's letters, all of which had been printed before.
4. fol. 140-54 (a double quire). Register of Master David and other letters (90 pieces).
5. fol. 155-7 (1 quire). 2 treatises attributed to St. Anselm, printed by Liverani, and a letter of Paschal II (3 pieces).
6. fol. 158-78 (3 quires). Correspondence of John of Salisbury (134 pieces). All of them are in Giles's edition.
7. fol. 179-211 (4 quires and 1 folio). Correspondence of Ivo of Chartres (84 pieces). All of them are in Migne.

The only new material of importance is in section 2, the letters of Arnulf of Lisieux, and section 4; it is with the latter only that I am concerned here. The majority of the ninety letters contained in this section are not found elsewhere, and were printed for the first time by Liverani. I will commence by giving a list of them in the order they appear in the manuscript with the names of the writers and recipients (where these are not given I have put dashes), the page in Liverani's volume, and the number of the letter in the Rolls Series. Where the letter had already been printed from another manuscript, and is not in Liverani, I show in square brackets where it can be found in print.¹

¹ I refer to Liverani as Liv., to the Rolls Series edition as R.S. I have numbered the letters from 1 to 90, and shall quote them below according to these numbers.

- f. 140 1 — — Liv. 622.
 2. — — Liv. 626.
- f. 140^b 3 — — Liv. 604.
 4. D. — Liv. 609.
 5. — — Liv. 610(1).
 6. — — Liv. 620.
- f. 141 7. — — Liv. 618(3).
 8. — — Liv. 618(2).
 9. — — Liv. 618(1).
 10. — — Liv. 617(2).
 11. — — Liv. 615(1).
- f. 141^b 12. — — Liv. 603.
 13. — — Liv. 624.
- f. 142 14. — — Liv. 607.
 15. — — Liv. 619.
 16. — — Liv. 613.
- f. 142^b 17. Arnulf bishop of Lisieux to Master D. of London
 Liv. 584.
 18. — to Arnulf bishop of Lisieux (obviously an
 answer to the preceding). Liv. 605.
- f. 143 19. Arnulf bishop of Lisieux to Master D. Liv. 581.
 20. — — Liv. 608(2).
 21. Master D. to Dean H. and the chapter of London.
 Liv. 606.
 22. Master D. to O. prior of Canterbury. Liv. 608(1).
 23. — — Liv. 610(2). R.S. 752. (Obviously
 addressed to Gilbert Foliot, bishop of London.
 Liv. and R.S. have copied the heading from the
 previous letter.)
- f. 143^b 24. — — Liv. 551. R.S. 757.
- f. 144 25. — — Liv. 615(2).
 26. — — Liv. 617(1). R.S. 517 (only a part).
 27. — — Liv. 608(3).
- f. 144^b 28. Master D. of London to M. 'novo novitio de Stan-
 leh.' Liv. 611.
- f. 145 29. — — [The Pope to Henry II. R.S. 395.]
 30. The Pope to the bishops of England [R.S. 400].
 31. G. bishop of London to Master D. Liv. 644(1).
 R.S. 513.

- f. 145 32. G. bishop of London to Master D. Liv. 644(2). R.S. 657.
- f. 145^b 33. Pope Alexander to G. bishop of London [R.S. 627]. (The last paragraph is omitted here, and appears as No. 82 below.)
- f. 146 34. G. bishop of London to R. bishop of Worcester. Liv. 641(1).
35. G. bishop of London to Master D. Liv. 642. R.S. 621.
36. — — Liv. 641(2). R.S. 512.
37. Jocelin bishop of Salisbury to Thomas archbishop of Canterbury. Liv. 743(1). R.S. 478.
- f. 146^b 38. G. bishop of London to Thomas archbishop of Canterbury. Liv. 643(2). R.S. 474.
39. Gilbert bishop of London to H. king of England. Liv. 643(1). R.S. 504.
40. Gilbert bishop of London to Pope Alexander. [R.S. 475].
41. The archbishop of Rouen to the Pope. Liv. 759(1). R.S. 732.
42. Giles bishop of Évreux to Pope Alexander [Liv. 589 from fol. 67^b. R.S. 730].
- f. 147 43. Arnulf bishop of Lisieux to Pope Alexander. Liv. 583. R.S. 731.
44. — — [R.S. 550. Thomas archbishop of Canterbury to Henry bishop of Winchester].
- f. 147^b 45. — — [R.S. 332. ? John of Salisbury].
- f. 148 46. — to the Pope. Liv. 582 (attributed without any reason to Arnulf of Lisieux).
47. Gilbert bishop of London to Pope A. Liv. 639.
48. T. prior of Dunstable to Pope Alexander. Liv. 761.
- f. 148^b 49. G. prior of St. Peter of Thurgarton and the monastery to Roger brother of R. archdeacon and William son of Fulk. Liv. 600.
- f. 149 50. Pope Victor [anti-Pope Victor IV]. A circular letter to all Christians. Liv. 763.
- f. 149^b 51. Pope Alexander to bishop P. and the clergy of Paris [Pflugk-Harttung, *Acta pontificum inedita*, II. 364].

- f. 150 52. Pope Alexander to bishops B. of Exeter and R. of Worcester and the abbot of Faversham. Liv. 546.
53. — — Liv. 548(2).
54. Laurence abbot of St. Peter of Westminster to S. abbot of Cluny. Liv. 746.
55. Laurence abbot of St. Peter of Westminster to Pope Alexander. Liv. 745.
- f. 150b 56. H. king of England to the Pope. Liv. 631.
57. H. and O. cardinals to Pope Alexander. Liv. 733.
58. The archbishop of York to the Pope. Liv. 755.
59. The bishop of Winchester to the Pope. Liv. 629.
60. The bishop of Hereford to the Pope [a part of R.S. 11].
- f. 151. 61. The bishop of Chichester to the Pope. Liv. 677.
62. The bishop of Norwich to the Pope. Liv. 675.
63. Nigel bishop of Ely to Pope Alexander. Liv. 749.
64. The bishop of Salisbury to the Pope. Liv. 743(2).
65. The abbot and monastery of Reading to the Pope. Liv. 599(1).
66. 'H. beati N. minister humilis' to Pope Alexander. Liv. 679. (? Herbert prior of St. Neot's).
- f. 151b 67. G. abbot of Malmesbury to Pope Alexander. Liv. 673.
68. 'R. sancti A. de R. presbiter' to Pope Alexander. Liv. 753.
69. Pope Alexander to Abbot Laurence and the chapter of Westminster [Migne, *P.L.* cc. col. 106].
70. — — Liv. 621. R.S. 388.
- f. 152 71. — to the king of England [Migne, *P.L.* cc. col. 737]. (This and the three following are all written by the Pope.)
72. — to the dean and chapter of St. Paul's, London. Liv. 544(1).
73. — to the dean and chapter of Lincoln. Liv. 545(2).
74. — to Master D. Liv. 547(1).
75. R. archbishop of Rouen to the king of England. Liv. 759(2).
76. P. de Micho cardinal-priest to H. king of England. Liv. 751.

- f. 152^b 77. Jac.¹ cardinal-deacon to H. king of England. Liv. 735(2).
 78. John of Naples cardinal-priest to H. king of England. Liv. 741(2).
 79. William cardinal-priest of St. Peter ad vincula to H. king of England. Liv. 671.
 80. J. of Anagni cardinal-priest of St. Mark to H. king of England. Liv. 739(1).
 81. Magister Vi. 'sancte Romane curie advocatus' to H. king of England. Liv. 767.
 82. The Pope to the bishop of London. Liv. 547(2) [the last paragraph of R.S. 627, see no. 33 above].
 83. William cardinal-priest of St. Peter ad vincula to the bishop of London [R.S. 516].
- f. 153 84. John of Naples cardinal-priest to G. bishop of London. Liv. 741(1).
 85. Jac.¹ cardinal-deacon to G. bishop of London. Liv. 735(1).
 86. J. of Anagni cardinal-priest of St. Mark to G. bishop of London. Liv. 739(2).
 87. Pope Alexander to the king of England. Liv. 544(2). R.S. 754.
- f. 153^b 88. Roger bishop of Worcester to Pope Alexander. Liv. 757.
 89. Bartholomew bishop of Exeter to Master David. Liv. 593.
 90. The monastery of St. Pancras to Master D. Liv. 599(2).

This letter extends on to f. 154, which is otherwise blank.

These ninety letters are written in one hand, with the exception of the last three letters, which are in a charter-hand forming a complete contrast to the various book-hands of the rest of the manuscript. The sixteen folios (two folios are numbered 148, though on the second of these there is nothing written except the end of no. 49)

¹ Jacinthus (not Jacobus, as Liv.), afterwards Pope Celestine III.

are bound together in a double quire; doubtless there were two quires inserted one within the other, but I failed to investigate this. In the rest of the manuscript the initial letters are filled in by a rubricator in red and green alternately, with occasional variations. In this section the scribe wrote in the initial letters, in small capitals, in ink. Here again the last three letters are an exception. The scribe left room for the initials, which were never filled in; hence Liverani blundered into reading the name of the bishop of Exeter in no. 89 as ARTH(urus) instead of BARTH(olomeus).

Though written in one hand, these ninety letters were not written continuously. The first twenty-three are a continuous group, as are nos. 34-43, 46-9, 50-69, and 71-87. Each group begins at the top of a page; the other letters have been written in on vacant pages or where there was some vacant space on a page, so that some pages are not filled up, others are inconveniently crowded. The whole forms a collection made, it would appear, by, or under the direction of, David himself.¹ The first twenty-three letters, except for the two addressed to him by Arnulf of Lisieux, can safely be attributed to him, as Liverani does. Though David rarely ventures to put his name to them, the internal evidence, both of subject-matter and style, is quite convincing. For the same reason, nos. 25-7 are clearly his, and no. 28 he has acknowledged. Nos. 29-45 are addressed to him, or are intimately connected with the business of his two embassies to Rome, as also no. 24. Nos. 71-87 are a bunch of testimonials, &c., to him from the Pope and various cardinals. Nos. 88-90 are written to or about him.

This accounts for sixty-five of the ninety letters, and the

¹ Though the palaeographic evidence seems to be against this.

remaining twenty-five have no obvious connexion with him. They were registered, as has been said above, in two groups :

(1) Nos. 46-9. These deal with disputes over churches, and illustrate well the prevalence of appeals to Rome and the consequent difficulty of settling such disputes. As Liverani has frequently misread the proper names, it may be useful to mention that no. 46 deals with a dispute between William 'clericus et medicus' of the king of England and Laurence 'clericus' of Hotun. over the church of Hotun.; no. 47 with a dispute between John 'clericus' and William of Lanval. over the church of Walcra (Walkern, Herts.); no. 48 with a dispute between William 'clericus' of Writel and the nuns of Ikelinton (Ickleton) over the church of Fuhelmar (Foulmire); no. 49 with a dispute between the priory of Thurgarton and the archbishop of York over the church of Grenesbi.

(2) Nos. 50-70. The majority of these, i. e. 56-69, are concerned with the canonization of King Edward the Confessor. The king and several English ecclesiastics write to the Pope in support of the petition of Abbot Laurence of Westminster, and the pope's bull (no. 69) grants the request. These were obviously written *c.* 1161; they are preceded by two letters of Abbot Laurence himself (nos. 54 and 55) of a different date, the second certainly much later. Nos. 50 and 51 are circular letters of Pope and anti-Pope in 1159-60. No. 52 is a letter of the Pope to three ecclesiastics instructing them to investigate the monastery of St. Augustine at Canterbury; their report to the Pope is among the letters of John of Salisbury (ed. Giles, no. 130).

No. 53 seems to be written by some one of the rank of bishop or abbot; its style, with numerous quotations from Latin poets as well as the Bible, is very much like that of John of Salisbury. No. 70 is quite anonymous; it is a petition on behalf of Master N. (not H., as Liv. and R.S.).

There is nothing in these two groups which necessarily connects with David, though it is possible to see how they might have come into his hands. But the other sixty-five letters are all directly connected with him, and from them we can learn something about his life and especially the important part he had to play in the last stage of the Becket controversy. It would require too much space to go into the dating of the individual letters, which are obviously not arranged in chronological order; in the following pages I shall say as much about that as is necessary to my purpose.

II

Stubbs has noted briefly the principal events in the life of Master David, but is mainly concerned with his supposed intrigue to obtain the deanery of London, and tends unduly to depreciate his character and importance. With the letters restored to their original order and grouping, the evidence becomes more clear and less unfavourable. David tells us something of his early life in his rather laboured reply (no. 18) to the letter of Arnulf of Lisieux (no. 17) chaffing him about his title 'David of London'. He was born at London, and had studied at Clermont, where he became magister, then at Paris, and finally at Bologna. By this time he was a canon of London,¹ and

¹ Certainly before 1167. Cf. the passage in no. 72 quoted just after this.

speaks more than once of his prebend, though where it was is uncertain.¹ He was obviously in very straitened circumstances while he was at Bologna, and is constantly complaining of his poverty and debts. The Pope in 1170 considered that he had been unfairly treated, and wrote (no. 72) to the dean and chapter of St. Paul's—' vos ei in scolis iam per triennium et eo amplius commoranti partem de communia que parva dicitur, duas scilicet marcas et dimidiam ad minus,² annis singulis subtraxistis ' ; he orders them to refund this to David and to make no such deduction in future. David also complains of enemies at home, and in the light of future events it is possible that Ralph de Diceto was one of these.

From his studies at Bologna he was summoned (no. 31 ; cf. no. 71) to perform the most important duties of his career. He was sent by the bishop of London, Gilbert Foliot, as one of his representatives in his appeal to the Pope against Becket's excommunication of him in 1169 ; the king employed him as well. He won golden opinions in the Curia by his defence both of the king and the bishop against the attacks of Becket. The Pope, in a letter to the two bishops whom he had appointed as commissioners (R.S. 656), actually says that it was David who persuaded him to grant absolution to the bishop of London. David returned from Rome armed with testi-

¹ As Stubbs says, he does not appear in Newcourt's *Repertorium*, unless he is to be identified with David Brand of Brownswood. Possibly the names of two canons have here been joined together, and Brand succeeded David in his canonry. In the Statute of Residence drawn up by Ralph de Diceto in 1192 (Rolls Series, ed. Stubbs, vol. ii, p. lxix) Brand's name appears as one of the canons, David's does not. As we shall see, David probably died in 1189. David certainly had a demesne at Willesden (Stubbs, *op. cit.*, p. 64, n. 4).

² In his Statute of Residence, Ralph fixed this payment to canons studying abroad at £2 a year.

monials to the king and the bishop from the Pope and some of the cardinals, as well as a bull for himself and papal letters to the dean and chapter of London and of Lincoln (nos. 71-86).¹ These all lay stress on his learning, high character, and ability ('he was worthy of a bishopric, not merely a canonry', says the Pope), as well as on the services he had rendered to king and bishop alike. They are urged to make suitable provision for him, and the Pope further wrote to the dean and chapter of Lincoln (no. 73) ordering them to make David a canon and to furnish him with the first prebend that should fall vacant; his letter to the king (no. 71) and his bull to David (no. 74) mention this order. It is noticeable that he claims this right of papal 'provision' because the see of Lincoln was vacant, '*nosque non in partem sollicitudinis sed in plenitudinem potestatis, licet immeriti, a Domino sumus vocati*', and that he further justifies it by the duty of providing for '*litterati*'.² There is no evidence that this order was obeyed by the Lincoln chapter, and the king would probably not have tolerated such an invasion of his rights during vacancy. But both king and bishop heeded the request to them to make provision for David. From the king he received an annual pension of £20, from the bishop of London of £10. This latter sum was paid out of the archdeaconry of Middlesex, and reference is made to it in no. 88. There is also a further record of it. In the last two years of Henry II the bishopric of London was vacant, and so

¹ These obviously all go together and refer to this occasion; in some of them David is mentioned as the bearer. Two of them are printed in R. S., dated some distance apart.

² So in 1215 the Fourth Lateran Council in its canon against pluralities (c. 29) made provision that the Pope could grant dispensation on behalf of '*sublimes et litteratas personas*'.

'*Episcopatus Londinensis*' appears in the Pipe Rolls of 33 and 34 Henry II; in each of these years there is an entry: '*Et magistro David de Lundinio x l. quas percipit annuatim de archidiaconatu de Middelsex.*'

In the Pipe Rolls, too, we have a complete record of the annual payments from the king. In 16 Henry II (Mich. 1170) under '*Episcopatus Lincolnensis*' comes the entry: '*Et in donis per breve regis Magistro David de Lundinio x. li. de dimidio anno in archidiaconatu de Oxenefordscire.*' In the next year this is changed, and the £20 is made up by two payments:

1. Under Surrey. '*Et Magistro David de Lundinio xv li. numero in hundredo de Godeleming per breve regis.*'
2. Under London and Middlesex. '*Et Magistro David de Lundinio c.s. numero in consuetudine terre episcopi de Lundinio de Fuleham et de Stubhunda per breve regis.*'

These two payments are continued annually to the end of Henry II's reign, except that the latter payment is shown, in three of the years, as paid for only a portion of the year. But in the roll of 1 Richard I (Mich. 1189) there is no payment at all under London and Middlesex, and only £7 10s. for half the year under Surrey; while in 2 Richard I no payment to David is mentioned, but under London and Middlesex appears the entry: '*Et in quietantia de Stebbehe de et de Fuleham terrarum episcopi Londonensis c.s. hoc anno per breve regis.*' So in 1189 the payments ceased. Either that marks the date of his death, or his fortunes suffered from the deaths of his two powerful patrons.

This evidence from the Pipe Rolls, moreover, provides the key to no. 26, which is thus proved to have been written in 1170 by David himself, and which, with this aid to its interpretation, yields a good deal of informa-

tion.¹ As Liverani has obscured the sense by blunders in transcription and by faulty punctuation, and as Robertson (R.S. 517) only gives a fragment of the letter, it is necessary to quote it here in full, omitting the unimportant sentences at the beginning and end.

Cum ad dominum Cantuariensem pro negotio episcoporum nostrorum divertissem, durissimam mihi retulit controversiam super beneficio quod a domino rege acceperam. Unde propter hoc et propter alios eventus qui contingere poterant, illud mihi mutare feci in proprium dominium domini regis, qui illud carta sua mihi confirmavit; aliam etiam cartam confirmationis de beneficio, quod dominus meus Londonensis in me contulit, mihi fecit. Mandat autem domino regi filio suo per litteras suas inclusas, ut suam et domini episcopi donationem, iuxta tenorem cartarum illarum, mihi per similes suas confirmet. Precipit per litteras suas inclusas Rann' de Broc. ut singulis annis statutis terminis xv libras mihi solvat, ita ut de cetero nec aliud breve nec aliud mandatum domini regis super hoc a me exigat. In eundem modum scribit domino Londonensi pro v libris, et has litteras domino Londonensi porrexi. Vicecomitibus de Middelsex. mandat per aliud breve ne has v libras a domino episcopo ulterius exigant. Baronibus de scaccario quoddam breve mittit, in quo precipit eis ut computent Rann' del Broc. xv libras et episcopo Londonensi v libras, et ut de cetero ab eis aliud breve non exigant. Transcriptum illius, et transcriptum eius quod mittitur Rann', ad cautelam ne quandoque malignari possint sigillari feci, que penes vos retinebitis cum cartis meis. Curate igitur ut hec citissime expédiantur. Laboribus enim vestris vel sumptibus parcere non poteritis. Scribunt domini pictaviensis et cantuariensis archidiaconi Willelmo de sancto Ioanne et Thome sigillario,² ut curent hec expedite fieri. Dominum Gilbertum senescallum socium habebitis. Hoc ei mandat dominus episcopus.

So David was sent to Becket, presumably on the question of the threatened excommunications of the bishops of

¹ No. 25 also has some general allusions to the same subject.

² I cannot identify this 'Thomas sigillarius', but both his name and his office are tempting subjects for conjecture. The two archdeacons are, of course, Richard of Ilchester and Geoffrey Ridel.

London and Salisbury. The archbishop reproached David about the fief he had received from the king, doubtless because, as the Pipe Roll shows, it was in the demesne of the see of Lincoln, and the archbishop would not admit the king's right of possession during vacancy. This caused David to be alarmed for the security of his tenure, and accordingly he persuaded the king to give him instead fiefs on the royal demesne, and to confirm this (and also the bishop of London's donation) to him by deed. By the king's writ £15 was to be paid by Rannulf de Broc, £5 by the bishop of London, and these sums were to be credited to them by the barons of the exchequer. The £5 is clearly the grant in the Pipe Rolls 'in consuetudine terre episcopi de Lundinio', the £15 that 'in hundredo de Godeleming'. For the connexion of Rannulf de Broc with Godalming and with Master David is proved by an entry in the Book of Fees ¹ under the year 1212:

Henricus Rex . . . dedit Ertedun quod fuit membrum de Godelming cuidam magistro David qui ivit in nuncium apud Romam et Randulfus de Broc habuit Ertedun ad feodam firmam de predicto David pro xv li. et post mortem ipsius Randulfi Stephanus de Turneham habuit predictam villam cum filia ipsius Randulfi; et Ricardus Rex dedit predictam villam predicto Stephano per servitium feodi dimidii militis et inde habet cartam ipsius et cartam domini Iohannis Regis.'

The Pipe Rolls, then, show the royal pension to David as beginning in 1170, after his first embassy to Rome, and the Book of Fees shows that it was given in consequence of the embassy. That the latter mentions Stephen, Rannulf's son-in-law, becoming tenant-in-chief of Artington during Richard's reign is in accordance with the evidence of the Pipe Rolls that the pension to David
 * ceased after Henry II's death.

¹ ed. 1920, vol. i, p. 67 (formerly known as the Testa de Nevill).

His finances thus happily settled, David started off to Rome on his second embassy, to promote the appeal of the bishop of London, now again excommunicated by Becket because of his part in the coronation of the young king. He also acted for the king, whose letter to the Pope in December 1170 (R.S. 729), complaining of the conduct of Becket since his return, was taken by David — ‘*Cetera presentium latori magistro David, quem mihi commendavit gratia [uestra], vobis intimanda commisi.*’ He arrived in Rome early in 1171, and with other envoys was successfully prosecuting his suit (R.S. 751), when their business was entirely interrupted by the news of Becket’s murder, and for a time the Pope refused to see them. A new issue had arisen and a new embassy from the king arrived to deal with it, which partly threw David’s business into the shade. But he worked hard, and obviously not unsuccessfully, in the bishop of London’s interest. He wrote to the bishop (no. 23)¹ explaining his difficulties during Lent and how that on Maundy Thursday he and Master Hugh had been obliged to take an oath on behalf of the bishop that he would obey the Pope’s mandate on the issues for which he had been a second time excommunicated. He is denied public audience, but has defended the bishop whenever any charges have been made in private against him. He warns him to beware lest the king, to make his own position secure, deserts him. ‘*Non enim tam Romani quam Galli vos iudicant.*’ Finally he urges him not to think of resigning, as there is no question of his deposition.²

¹ A letter with no heading, to which Liverani added the heading of the previous letter. Robertson followed him, though he realized that the letter was written to Gilbert Foliot, and he rightly dated it in 1171.

² ‘*In parte enim depositionis nichil poterit esse periculi.*’ Liv. and

It is evident that he again acquitted himself well on his embassy. The Pope wrote to Henry II (no. 87) testifying to the way in which David and his fellow-envoys had executed their mission, being anxious that they should not lose the credit which the second ambassadors wished to keep to themselves. The bishop of London had good reason to be satisfied with the exertions of his representative. And up to this time he had always shown himself to be fully satisfied. Besides the three letters from him to Master David in this collection, which all express his complete confidence in David, there is one in Giles' edition of his letters (no. 283), in which he assures David that he does not pay heed to any word of slander against him, and another in the same collection (no. 294), in which he writes of him as '*tantae honestatis et tam profundae literaturae virum, quem eloquentiae pulchritudo venustat*' and recommends him warmly to the good graces of his correspondent. It is therefore the more surprising that in a short time we find him writing in very different language to Bishop Roger of Worcester (no. 34). This is the point in Master David's career on which Stubbs laid most stress, because it particularly concerned Ralph de Diceto if David was really attempting to obtain by papal influence the deanery of London. On the other hand, there is no further evidence to confirm this accusation, and it is equally likely that David had been slandered in this matter. Connected in time with this letter, as Stubbs saw, is Bishop Roger's letter to the Pope (no. 88), which was probably written in 1173.¹ He

R.S. by reading '*de personis*' instead of '*depositionis*' make nonsense of this sentence.

¹ He speaks of the stoppage of David's pension of £10 from the bishop, which had been paid at regular intervals for over two years.

makes no mention of David's ambition, but only deals with the consequences of the bishop of London's indignation, just or unjust, and urges the Pope to order the archdeacon of Middlesex to resume the regular payment of £10 a year to David. This was apparently done; at any rate, as we have seen from the Pipe Rolls, the payment was being made as a regular thing in 1187 and 1188.

After this we have no clear record of the activities of Master David; but it would seem that he had somewhat changed his attitude and associations (no. 22), and had come to be on familiar terms with the bishops of Worcester and Exeter, who had been leading supporters of Becket. The bishop of London, writing to the bishop of Worcester (no. 34), speaks of him as 'familiaris vester' et quondam domesticus noster', and the bishop of Worcester writes to the Pope (no. 88) 'pro dilecto itaque et familiari nostro magistro David de Lundon'. Also Bishop Bartholomew of Exeter writes in the warmest terms to David (no. 89), especially commending him for the great service he had rendered to the Augustinian priory of Giseburn.² It looks as if David had paid another visit to Rome, and had there successfully championed the priory;³ the appeal of the monastery of St. Pancras to him (no. 90) might be connected with some such visit; and it is perhaps not too fanciful to suggest that nos. 46-9,⁴ all of which relate to appeals to Rome, might have come into his hands in this way. The bishop of London (no. 34) believed, probably correctly, that David was on his way to

¹ Liverani reads *vir* for *vester*.

² Canonicos Giseburnenses. Liverani reads *eileburnenses*.

³ We know that the priory appealed to Rome, and that the Pope wrote to the bishop of Exeter about the appeal (Jaffé-Löwenfeld, 13934; cf. 13719-20).

⁴ Of these, no. 48 certainly cannot be dated earlier than 1173.

Rome, even though he misjudged the reason. It would be strange, too, if the king neglected to make use again of an envoy so acceptable, and so successful, at the papal court. But there is no direct evidence about these later years. One or two of David's letters (e. g. nos. 22 and 27) can certainly be dated as not earlier than 1173; on the other hand, none of them, and indeed no letter in the collection, refers to any Pope other than Alexander III, who died in 1181.

One last point. This Master David, who enjoyed the friendship and esteem of bishops so different in character as Arnulf of Lisieux, Gilbert of London, Roger of Worcester, Bartholomew of Exeter, who was regarded with such high favour by the Pope and employed confidentially by the king, was not the insignificant and grasping figure that he has been made to appear. There are many witnesses to his character, his industry, his ability, and above all to his learning. The Pope especially laid stress on this, and used it as a point which might tell with Henry II; Gilbert Foliot, himself a distinguished scholar, wrote with enthusiasm on the same subject. And it is no mean tribute to David, and to the weight that was given at the time to learning,¹ that he should have been called from his studies at Bologna to play so responsible a part in an issue of such moment. It may be that the envy of which he frequently complained was responsible for the obscurity of his latter years.

Z. N. BROOKE.

¹ Cf. Stubbs, W., 'Learning and Literature at the Court of Henry II' (in *Lectures on Medieval and Modern History*); Haskins, C. H., 'Henry II as a patron of literature' (in *Essays in Medieval History presented to T. F. Tout*).

ALEXANDER OF ST. ALBANS : A LITERARY MUDDLE

I

THE famous Alexander Neckam, who died as abbot of Cirencester in 1217, is frequently described as Alexander of St. Albans. The subject of this paper is another Alexander, a contemporary of Neckam, with whom later St. Albans historians seem to have confused him. This Alexander was a royal clerk, a man trained in the schools, and a theologian. He was known in his lifetime as Alexander Cementarius, or the mason.

In the sixteenth century Alexander begins to appear in literary history. He collected personalities as a snow-ball collects snow, until his composite biography was defined by John Pits in the catalogue of *Scriptores* which appeared in 1619. Pits was improving upon John Bale, and Bale first came across him by accident. The story begins with an entry in that remarkable note-book or *Index Scriptorum* which, edited by Dr. Poole with characteristic care and skill, was published at Oxford in 1902. As is well known, Bale's note-book contains an alphabetical list of writers and was based upon his investigations in libraries and collections of manuscripts. It was the basis of his larger and more pretentious *Scriptorum illustrium maioris Britannie summarium*, of which the best edition appeared at Basle in 1557, six years before his death. In the course of his earlier researches Bale noticed a writer, clearly quite unknown to him, whose works he describes as follows :

Alexander theologus, cognomen non additur, scripsit
De ecclesiastica potestate lib. 1
De potestate Christi vicarii lib. 1

De cessatione papali lib. 1

Victoriam a Portheo lib. 1 'in nomine dei altissimi qui
est trinus et unus' etc.

Ex Mertonensi collegio

At a later date Bale crossed out the words 'cognomen non additur' and wrote instead 'abbas S. Augustini Cantuarie'. He also inserted above a line, 'Claruit 1207'.¹ His first step, therefore, was to identify his unknown writer with an abbot of St. Augustine's who lived in the reign of King John. Perhaps he had turned over the pages of the manuscript containing William Thorne's history of St. Augustine's, which came into the hands of his patron Matthew Parker and is now in Corpus Christi College, Cambridge.² He would see there that there was an abbot Alexander who was a foster-brother of King John, and he jumped to the conclusion, suggested perhaps by the titles of the works ascribed to Alexander the theologian, that the abbot had written anti-papal tracts. But he had more to go on than this, for in his later work he gave a description of Abbot Alexander which he could not have found in Thorne. By this time he was able to say that Alexander flourished about 1207, because in the previous year he had maintained the king's cause at Rome in the presence of the pope and cardinals. Alexander had taken a very strong line on the great questions at issue :

Probabat igitur rationibus et scripturis, coram Rabbiniis illis, non esse in regnis a Deo constitutis potestate regia dominationem

¹ *Index Britannie Scriptorum*, ed. Poole, p. 20.

² M. R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Corpus Christi College, Cambridge*, i. 451, no. 189. Twysden used this manuscript for the text of Thorne in the *Decem Scriptores*. Bale knew of Thorne, and his dependence upon the earlier history of Thomas Sprott, from Leland.

maiores. Episcoporum uero nullum esse temporale regimen dicebat, quum Christi regnum de hoc mundo non sit. Allegauitque Gregorii Magni dicta ad Augustinum monachum de Anglorum ecclesiae ab omni seruitutis iugo immunitate atque contra omnes ea conflictatione praeualebat.

But Innocent's turn came. Alexander was deprived by the legate Pandulf, after the dispute was over, of his ecclesiastical preferments and of communion with the Church—'mendicare philosophus uero Christianus in regis odium, sed post eius mortem, cogitur, digito monstrantibus aemulis, et dicentibus Ecce homo qui non posuit Deum adiutorium suum'.¹

I am unable to state the source from which Bale took the story of the mission to Rome in 1206. The most likely basis of such historical validity as the story may possess is one of the numerous continuations of Ralph Niger.² Abbot Alexander indeed visited the papal court on more than one occasion, but he went after his election in 1213 on business arising out of a purely local controversy with the archbishop. The argument drawn from Pope Gregory's *dicta* does not appear in the contemporary chronicles, so far as I know, and may have been taken by Bale from controversial writings of a different period.³ Nor do

¹ *Scriptorum illustrium summarium* (Basel, 1557), p. 249.

² Tanner gives Radulphus Niger as the authority (*Bibliotheca Britannica-Hibernica*, 1748, p. 29), and Bale possessed a manuscript of the history of the reign of John ascribed to R. Niger (see the list of his manuscripts in the Basel edition of his *Scriptores*, part ii, p. 160). Mr. A. G. Little has kindly looked at Royal MS. 13 A xii, f. 88 b—a continuation consisting of Coggeshall and other matter; there is nothing about Alexander there.

³ Pope Gregory's letters are used by the writer known as the anonymous of York, whose tracts may have been through Bale's hands. The passage, however, deals with the famous letters in quite a different relation. It is printed by Böhmer, *Kirche und Staat in England und in der Normandie*

I know the origin of the story of Alexander's deprivation by Pandulf, but I imagine that the legate was introduced by Bale as the most likely agent of the theologian's downfall. For it is possible to trace Bale's authority for Alexander's downfall and beggary. He got that from Matthew Paris, or more probably from the Flores Historiarum ascribed to Matthew of Westminster. Bale possessed copies in manuscript of both these writers. As we shall see, they are based on Wendover's chronicle and were referring to quite a different Alexander.

So far we have a largely fictitious life of Abbot Alexander, based in part upon historical material relating to two different people; and all with the laudable object of identifying the author, Alexander by name, of works which Bale came upon in an Oxford manuscript. Bale's creation was henceforward an historical personage. Laurence Humphrey, a very strong Protestant, who was, at the time of his death in 1590, President of Magdalen and dean of Winchester, quoted from Bale (without acknowledgement) in his historical preface to the first part of his work against the Jesuits. After referring to Walter Map and Gerald of Wales, he noted the argument drawn by 'Alexander theologus' from the letters of Pope Gregory.¹ And in the next century William Prynne devoted a lengthy paragraph to Alexander in his great book *An Exact Chronological Vindication*. Prynne accepted Bale's biography, but, knowing Matthew Paris, 'Matthew of Westminster', and Thorne, he added a few

im XI. und XII. Jahrhundert (Leipzig, 1899), p. 480. The tracts are in the library of Corpus Christi College, Cambridge (James, *Descriptive Catalogue*, ii. 303, no. 415), and came from Parker's library (*ibid.* i, p. xxxii).

¹ *Iesuitismi pars prima, sive de praxi Romanae curiae contra resp[ublicas] et principes*, &c. (London, 1582), gathering iii, f. 4.

more details.¹ In the meanwhile Pits, the Roman Catholic bibliographer, had, as was his custom, adapted Bale's work. He cut out the uncomplimentary remarks about Pope Innocent and the reference to the arguments said to have been used by Alexander at Rome, descanted rather more freely on the abbot's learning, added the dates of his election (1213) and death (1220) from Thorne, and the nickname Cementarius from Matthew Paris.² The former addition refers to the abbot, the latter to the other Alexander. So the composite theologian's biography was completed. It and Alexander's works were accepted by Tanner,³ and, in the nineteenth century, by Duffus Hardy, who ought to have known better.⁴

Before we consider the historical persons merged by Bale and Pits in the biography of Alexander the theologian, something must be said about the works which he is supposed to have written. Anti-papal pamphlets from the time of the quarrel between Innocent III and King John would be a very precious possession, and there is nothing improbable in the suggestion that partisans of John devoted themselves to paper warfare of this kind. Unhappily Bale was completely misled, and his discovery in the library of Merton College—the starting-point of the whole story—was a mare's nest. He describes the works of Alexander very explicitly—a book *de ecclesiastica potestate*, a second *de potestate Christi vicarii*, a third *de cessatione papali*, a fourth with the intriguing title *Victoriam a Portheo*. He must have seen something. At first sight one is inclined to conclude

¹ Vol. ii (1665), pp. 258–9. ² Pits, *Scriptores* (1619), p. 287.

³ Tanner, *loc. cit.* (above, p. 248).

⁴ *Descriptive Catalogue of materials relating to the History of Great Britain and Ireland* (Rolls Series), iii. 62.

that he saw a manuscript which has since disappeared, for there is no reference to any Alexander who wrote books of this nature in Coxe's catalogue of the manuscripts in the Oxford colleges. The clue to the mystery is given by the strange entry *Victoriam a Portheo*. The title sounds familiar; somebody did write a book called 'Victoria'. He was Porchetus Salvaticus—hence Portheus—a Carthusian of Genoa who lived in the first quarter of the fourteenth century.¹ But how came Bale to ascribe a work, whose title he obviously did not understand, to an English abbot of the thirteenth century?

The Merton library contains two manuscripts of the *Victoria*. One of them suggests nothing (Coxe, no. 245). But an investigation of the other (B. 1. 3, Coxe, no. 244) shows that it is the book known to Bale. It is a quarto volume of one hundred folios, written in the fourteenth century. The title begins: *Incipit liber victorie a Porcheo de Salva ignis Ianuensis divina favente gracia compilato* (sic) *ad Iudaicam perfidiam subvertendam*. And on the verso of the second flyleaf is a note of the earlier contents of the manuscript, which Coxe omitted to transcribe. This note shows that the work of Porchetus was at one time bound up with other writings. It reads as follows:

Alexander de ecclesiastica potestate est liber primus et sunt
9 capitula

Item idem de potestate vicarii Christi in terris est liber secundus
. . . . et sunt 10 capitula

Item idem de cessione populi et sedium fundacione [est] liber
tercius et sunt 10 capitula.

Item liber victorie a Porcheo de Salva ignis Ianuensi

¹ The book, a controversial treatise against the Jewish religion, and largely based upon the *Pugio fidei* of the Dominican Raymond Martin, had an extensive circulation and was printed at Paris in 1520. The author shows a considerable knowledge of Hebrew.

The list of Alexander's writings in Bale comes, therefore, from the flyleaf of a Merton manuscript. As Bale gives no incipits, it would seem that the tracts which preceded Porchetus had already disappeared in the sixteenth century.

Who was this Alexander, whom Bale assumed to have been an Englishman? The appearance of his works beside that of Porchetus suggests that he also was a foreign controversialist. Their titles point to the great controversy on papal claims in the days of John XXII and Lewis of Bavaria. It was natural that an insular scholar, looking about for English authors and unfamiliar with the literary contests of the fourteenth century, should assume from their titles that these were anti-papal tracts. As a matter of fact they were written by Alexander Fasitelli of St. Elpidio, a town to the north of Fermo in the March of Ancona. Alexander was a distinguished man. He had studied at Paris under Giles of Rome, was elected general of the Augustinian Eremite Order in 1312 and on several later occasions, and is said to have died as bishop of Melfi in 1325.¹ Most of his written work was undertaken—as so much was at this time—at the instance of Pope John XXII. The first printed edition, containing two of the three tracts, appeared at Turin in 1494; and, in order to establish their identity with the tracts in the lost Merton manuscript, it is worth while to set out the titles, which I take from the copy in the British Museum, in this *editio princeps*.

Incipit tractatus de ecclesiastica potestate editus a fratre Alexandro de sancto Elpidio sacre pagine professore fratrum heremitarum ordinis sancti Augustini. Epistola ad summum pontificem . . .

¹ See Hurter, *Nomenclator* (ed. 1906), ii. 515; for the earlier authorities, Chevalier, *Bio-bibliographie*, i. 143.

Then follow the letter to the pope, the preface, and ten chapters.

De primo tractatu dicta sufficient

Postquam dictum est de potestate ecclesiastica in communi : restat in hoc secundo tractatu aliqua dicere de potestate xpi vicarii seu summi pontificis magis in speciali

Ten chapters follow, the last being the famous forgery known as the donation of Constantine, which played such a prominent part in the political literature of this period.¹ The colophon is as follows :

Explicit Opusculum de potestate ecclesiastica continens tractatus/ duos impressum Tau/rini per Nicolaum de benedictis et Iaco/ binum suigum de/sancto Germano/MCCCC/xciij die/x Fe-/ brua-/rii/.

Alexander's tracts were printed more than once after 1494 ; at Lyons in 1498 and 1538, and at Rimini in 1624. They are to be found also in the second volume of Rocaberti's *Bibliotheca Pontificia* (1698).² They have escaped general notice and seem to have been unknown to Riezler,³ though it is always possible that they have been rediscovered and ascribed to other writers. It is noteworthy that another work by Alexander, written against the Emperor Lewis, a *tractatus* or *determinatio compendiosa de iurisdictione imperii et auctoritate summi pontificis*, exists without any indication of authorship in several manuscripts, and has aroused some learned dis-

¹ Cf. Woolf, *Bartolus of Sassoferrato* (Cambridge, 1913), pp. 328, 343 ff.

² See Hurter, *loc. cit.*

³ Riezler, *Die literarischen Widersacher der Päpste zur Zeit Ludwig des Baiers* (Leipzig, 1874). For recent references to Alexander see the life of Pope John XXII by Noël Valois in the *Histoire littéraire de la France* (xxxiv, 480) and J. Rivière, *Le problème de l'Église et de l'État au temps de Philippe le Bel* (Louvain, 1925).

cussion which is quite beside the mark.¹ At any rate, it would be interesting to compare the tracts *de potestate ecclesiastica* with other writings of a similar nature, and sometimes, as in the case of one of the writings of Giles of Rome, under the same title.²

The Merton College manuscript which at one time contained the tracts of Alexander of St. Elpidio was given to the college by Richard Wyking, formerly vicar of Westwell in Kent. Richard Wyking also gave or left to the scholars of Merton a book (now bound up with a twelfth-century manuscript of Palladius) containing the Latin translation of Marco Polo and the 'Flos historiarum terre orientis' of Hayton the Armenian.³ Like the writings of Porchetus and Alexander of St. Elpidio, these texts of Eastern travel and history were written in the early fourteenth century; and we may surmise that Richard Wyking procured them during one of his journeys abroad, perhaps the journey to Avignon in 1349, with his master Thomas Bradwardine, archbishop of Canterbury, whose clerk he was.⁴ The archbishop's close

¹ *Incip.* 'Quoniam apud multos vertitur in dubium'. Riezler was ignorant of its authorship and so was Döllinger (see the former's work already mentioned, pp. 140, 300). It is duly ascribed to Alexander in a manuscript (no. 9) in Emmanuel College, Cambridge, f. 109 and table. According to Hurter it is printed in the two Lyons editions after the *de potestate ecclesiastica*.

² On the work of Giles of Rome see Lajard in the *Histoire littéraire de la France*, xxx. 541 ff. It was dedicated to Pope Boniface VIII. Mentioned by Trithemius and other literary historians, it was rediscovered by Ch. Jourdain in 1858 and analysed by F. X. Kraus in 1862 (see Gierke, *Political Theories of the Middle Ages*, tr. Maitland, p. lxvii, no. 43).

³ On Hayton or Héthoum, prince of Corigos, who became a Premonstratensian, and was made head of a priory of his order at Poitiers by Pope Clement V, see the authorities noted by J. Mathorez, *Les étrangers en France sous l'ancien régime*, i. 332 (Paris, 1919).

⁴ After the inscription in the manuscript of Marco Polo and Héthoum

connexion with his old college at Oxford would explain the decision of Wyking, who does not appear to have been a Merton man, to give or leave some of his books to this foundation.

II

Having disposed of Bale's attribution of the papalist tracts of Alexander of St. Elpidio to an anti-papal advocate of King John, we must next turn to the biography of the alleged author and separate truth from fiction in Bale's biographical note, as revised by Pits.

Pits states quite correctly that a certain Alexander, who died in 1220, was elected abbot of St. Augustine's, Canterbury, in 1213. At the end of July, when King John was preparing to depart for Aquitaine—a voyage which in the end had to be postponed until the following year—he ordered the prior and convent to attend on him in order to elect an abbot.¹ The life of the new abbot was afterwards told by Thomas Sprott in his unpublished history of St. Augustine's, and was copied, with few alterations, by William Thorne, in his fourteenth-century history, which can be read in the *Decem Scriptores*.² According to Sprott, Abbot Alexander was a foster-brother of King John. His more distinguished contemporary, Alexander Neckam, was a foster-brother of King (Merton MS. H. 3. 12, Coxe, no. 312) a later hand has added 'qui fuit clericus M. Thome Brawdryn Cantuariensis archiepiscopi'.

¹ *Rotuli litterarum clausarum* (Record Commission), i. 150.

² Twysden, *Historiae Anglicanae scriptores decem* (1652), pp. 1757 ff. A collation of the manuscripts of Sprott, i.e. the mutilated Cottonian MSS. Tib. A. 9, f. 167, and Vitellius E. 14, f. 251, and Harleian MS. 652, f. 177, with the text of Thorne, shows few differences. Sprott gives the date of the papal benediction of Alexander, during the appeal to Rome against Archbishop Stephen, as the Sunday of Pentecost 1213 (Harl. MS. 652, f. 178)—apparently a mistake for 1214.

Richard. Like Neckam again, he was a fine theologian, an eloquent and learned scholar, and on intimate terms with the king (*theologiae professor eximius . . . vir utique facundissimus, tam seculari quam ecclesiastica sapientia eruditissimus, et ipsi regi Iohanni amantissimus utpote eius con-nutricius*). Bale was so far justified, and he might naturally consider the abbot to have been an anti-papal writer from the later remark that Alexander held to John when the other prelates deserted him. But in fact there is not the slightest evidence about Alexander's personal views on the great questions which had been at issue between the king and Pope Innocent. His loyalty to John is undoubted, but it was shown during the invasion by Louis of France in 1216, when John's enemies were also the pope's.¹ It is not impossible that Sprott, who describes Alexander's resistance to Louis, was misled by the incidents of 1216, and in claiming for the abbot a relationship with royalty confused him with the abbot of Cirencester, Alexander Neckam. Neckam was Richard's foster-brother, and would seem to have been intimate with Richard's successor.² However this may be, the abbot of St. Augustine's did not appear in public affairs until 1213, after the reconciliation of John with Rome, he did not go to Rome as John's envoy but in the interests of his own and his abbey's privileges, he was not excommunicated by the legate Pendulf, and he died, not in misery and poverty, but in the full exercise of his dignified duties. He has clearly been confounded by Bale with some other Alexander.

¹ *Decem Scriptores*, pp. 1868-70.

² I have found no evidence for this, except a casual reference in the Misae Roll of 14 John to a payment on 25 February 1213 to Walter, clerk of Master Alexander Nequam, who was going from the royal court to his lord's manor at Cirencester (Cole, *Documents Illustrative of English History*, p. 242).

A third Alexander, and, like the abbot of St. Augustine's and Alexander Neckam, a theologian, did live in John's reign. Pits rightly styles him Cementarius. He was not an abbot of St. Augustine's. He was a royal clerk, officially known as Mr. Alexander of St. Albans, and contemporary evidence shows that he was active in John's service during the interdict, and was later a victim of papal displeasure. The evidence is contained in a passage of Wendover's chronicle and in a very curious royal letter.

Wendover's account, under the year 1209, is preceded by the rubric, *De consiliis iniquis magistri Alexandri nequioris*. The allusion is to the nickname of the most famous St. Albans man of his time. This Alexander was not Neckam—he was worse! The passage runs as follows :

Ingessit se hac interdicti tempestate consiliis regiis pseudotheologus quidam, magister Alexander, dictus Caementarius, qui suis iniquis praedicationibus regem non mediocriter ad crudelitatem commovit, dixit enim illud generale flagellum Angliae non ex culpa regis sed ex subditorum flagitiis provenisse; affirmavit etiam ipsum regem virgam esse furoris Domini, et ad hoc principem constitutum, ut regat populos aliosque subiectos in virga ferrea et tanquam vas figuli confringat universos [&c.] . . . Ad papam quoque non pertinere de regum sive de quorumlibet potentum laica possessione vel subditorum regimine, verisimilibus quibusdam probavit argumentis; cum praecipue principi apostolorum Petro nihil a Domino nisi ecclesiae tantum ac rerum ecclesiasticarum sit collata potestas. His igitur et his similibus falaciis regis adeo favorem promeruit, ut plurima a viris religiosis beneficia per eiusdem regis violentiam obtineret; sed cum tandem ipsius perversitas ad summi pontificis aures pervolasset, ipso papa procurante, bonis ac beneficiis omnibus spoliatus ad tantam demum miseriam perductus est, ut in habitu pauperrimo et cultu necessitate compulsus sit panem suum cum dolore ostiatim mendicare ¹

¹ Roger of Wendover, ed. Coxe, iii. 229, 230.

Alexander's teaching would seem to have angered the chronicler because it justified the spoliation of the clergy rather than by its denunciation of papal interference in secular affairs. The pseudo-theologian is clearly to be identified with the royal clerk, Alexander of St. Albans, who was involved in a controversy with a clerk of the earl of the Isle of Wight in 1212 about some tithes in Devon.¹ He appears again in a letter written by the king to Innocent in April 1215. John was at this time living at the New Temple between London and Westminster; surrounded by magnates and bishops he was preparing to parley with the rebels who had gathered at Stamford. Mr. Alexander was, as Wendover says, in disgrace and apparently contemplated a personal appeal to the pope. Some theologian in the court indited on his behalf the following letter, which reads strangely in its setting of administrative correspondence:

Domino et patri sanctissimo I. Dei gratia Summo Pontifici, I. eadem gratia Rex, &c. Noverit sanctitas vestra quod illa que imposita fuerunt Magistro Alexandro de Sancto Albano clerico nostro mendacia fuerunt invidie flatibus agitata unde congrue dici potest sine falsitatis pallio quod impositum est Isaye a populo Iudaico, quod Moysy pro Ethiopissa, quod Paulo pro *sevnchurches*, hoc impositum est Magistro Alexandro a turba fagolidora. Hinc est quod vestre supplicamus paternitati devotissime quatinus si contingat quod idem Magister A. ad pedes Sanctitatis vestre se presentaverit omnem humanitatem secundum multitudinem misericordie vestre ei intuitu Dei et nostri curetis exhibere. T. apud Novum Templum London. xxiii die April.²

The reference to the Seven Churches of Asia in the ver-

¹ *Rotuli litterarum clausarum*, i. 121a (letter of 4 August 1212).

² *Ibid.* i. 203a (Close Roll, 16 John, m. 3 dorso). The letter is translated in Duffus Hardy's preface, where the passage in Wendover, followed by Matthew Paris, is noted. Mr. V. H. Galbraith has kindly collated the Record Commission text with the original.

nacular, and the use of the unusual word *fagolidora*, which comes originally from St. Jerome's preface to Ezekiel,¹ show that the writer was an Englishman who was not unfamiliar with scriptural learning. Richard Marsh, the chancellor, who was with the king at this time, had some learning—he left his books long afterwards to his nephew, the famous Adam Marsh. He, or possibly the pseudo-theologian himself, may have drafted the letter. But it is also possible that the letter had a more august authorship. In his lives of the abbots of St. Albans Matthew Paris afterwards made a stray reference to Mr. Alexander. He tells us that Alexander's offence, which had incurred the papal displeasure, was that he had urged the King not to surrender his kingdom to the Pope.² Now this was precisely the offence of which, as Matthew Paris says in other places, the great archbishop, Stephen Langton, was suspected. In this matter he would sympathize with Alexander. This unusual royal letter is not in the style of the chancery. May we not suggest that it was drafted by the archbishop, one of the greatest Biblical students of his age, a man well read in the prefaces of St. Jerome? So far as I know, this is Alexander's last—almost his only—appearance in history, apart from the illuminating passage in Wendover's chronicle. If he wrote any tracts, they have not survived.

Bale and Pits attributed great learning and fame as a scholar to their Alexander. They had some warrant in Thorne's description of the abbot with whom they identi-

¹ See the Benedictine edition of the works of St. Jerome (Paris, 1693), i. 647, with the editorial note; also Ducange, *Glossarium*, s.v. 'fagolidori'.

² Matthew's *Vitae abbatum* was incorporated in the early fifteenth century in Walsingham's *Gesta abbatum monasterii S. Albani*. The reference to Alexander will be found in Riley's edition of the *Gesta*, i. 235 (Rolls Series).

fied him ; but they were helped—as Prynne was later—by the addition which the author of the *Flores Historiarum* made to the account of Alexander the Mason in Matthew Paris, taken in its turn from Wendover. The author of the *Flores* abbreviates the earlier story considerably, but he adds a eulogy of Alexander's learning. He almost certainly confused the sham theologian with Alexander Neckam, for he says that Alexander was a famous teacher in Paris :

Illisque temporibus, magister Alexander, vir corpore elegantissimus, facie venerabilis, litterarum plenitudine imbutus, ita ut Parisius celebris haberetur magister, et [rector et] lector in theologia, seductus [tamen] ambitione, regem Iohannem in errore suo tueri prae-sumpsit et fovere, unde in fine a summo honore in summam confusionem est viliter praecipitatus.¹

The scholars of the sixteenth century were pioneers. They collected manuscripts, and with no aids to investigation tried to interpret them by each other. The English writer invented by Bale—compounded of an Italian and two, if not three, Englishmen—is a witness to his ingenuity and enthusiasm. After all, three Alexanders of the same period and country, engaged in the pursuit of similar interests, make a problem which may well embarrass the better-equipped scholarship of a later age.

F. M. POWICKE.

¹ *Flores Historiarum*, edited Luard (Rolls Series), ii. 138. The phrase 'in errore suo tueri prae-sumpsit et fovere' was copied by Bale in his later work.

ENGLAND AND BURGUNDY IN THE LAST DECADE OF THE TWELFTH CENTURY

IN the course of the negotiations for the release of Richard I from captivity a proposal was made by the emperor to enfeoff Richard with the kingdom of Arles. The relevant passage in Hoveden runs as follows :

Imperator dedit regi Angliae, et carta sua confirmavit has terras subscriptas : scilicet, Provinciam, et Vianam, et Vienais, et Marsiliam, et Nerbonam, et Arleblanc, et Leun supra Rodanum usque ad Alpes, et quicquid imperator habet in Burgundia, et homagium regis Arragoniae, et homagium comitis de Disders, et homagium comitis de Sancto Aegidio.¹

On the 22nd December the emperor himself wrote from Gelnhausen to the English barons informing them that Richard was to be released on 17 January, and that on the 24th of the same month he was to be crowned King of Arles ;² and Richard wrote from Spire to the Archbishop of Canterbury to the same effect.³ The coronation, as far as we know, never took place and the idea seemed to have been abandoned. One of Henry's motives

¹ Hoveden, iii. 225. Probably, as Ficker suggests (*Vom Reichsfürstenstande*, p. 224), the territory included in this grant was the southern part of the kingdom of Burgundy, i.e. excluding Little Burgundy and the county ; the latter the emperor's brother, Otto, had inherited from his mother Beatrix. Richard's kingdom was in fact to be the old Cisjurane Burgundy. The mention of Narbonne is clearly a mistake, for it never formed part of the imperial dominions. Cf. also Rudolf Grieser, *Das Arelat in der Europäischen Politik*, Jena, 1925, p. 18 ; Sternfeld, *Das Verhältniss des Arelats zu Kaiser und Reich*, Berlin, 1881, p. 7.

² Hoveden, iii. 227 ; Rymer, *Foedera* (Record Commission), i. 62.

³ *Ibid.*

in conceiving it was no doubt, as Hoveden goes on to state, that he had never succeeded in exercising any real power in Burgundy; it was in fact a repetition of the plan, inaugurated by Lothair of Supplinburg in 1127 and abandoned by Frederick Barbarossa on his marriage in 1156 with the heiress of the county of Burgundy, of establishing a semi-independent ruler in the person of the duke of Zähringen in that outlying and loosely attached portion of the empire.¹ The plan was again revived by Philip of Swabia who in 1207 offered to compensate his rival Otto of Brunswick with the *regnum Arelatense*,² and once more by Frederick II who in 1215 granted the *regnum Vienense, quod et Arelatense dicitur* to William of Baux, Prince of Orange.³

But there can be little doubt that the Emperor Henry VI had another object in view: he intended to carry further his scheme of universal empire so as to embrace France also. There are indications that from the time when he first played a part in European politics, Henry had disliked the French alliance which his father had concluded in 1187. During Richard's captivity he had maintained an overt friendship with Philip, and had held the latter's proffered bribes as a threat over Richard that he might exact better terms from his captive; for Philip was prepared to pay the amount of the ransom himself, if by this means he could get Richard into his power. A meeting of the two sovereigns was arranged to take place near Vaucouleurs on 25 June 1193; it was never held, and four days later the terms of Richard's

¹ Conrad of Zähringen uses the title *Rector Burgundiae* in 1131. Cf. Heyck, *Geschichte der Herzöge von Zähringen*, p. 275.

² *Continuatio Chronici ex Pantheo excerpti*, MGH. *Script.* xxii. 369. Cf. Winkelmann, *Philipp von Schwaben*, p. 425 n.

³ MGH. *Const.* ii. 65 f.

release were agreed upon at Worms. This, for the time, was the end of the Franco-German alliance. Philip's political marriage with the Danish princess, Ingeborg, may have contributed to this sudden dissolution;¹ but it seems probable that the real cause was the maturing of Henry's plans in co-operation with Richard for the subjection of France to the empire.² After Richard's liberation Henry is unsparing in his efforts to promote the English war with France,³ and it can scarcely be doubted that he had this object in view when he proposed to strengthen Richard's position to the south-west of France, a position already strong in the possession of Aquitaine and Toulouse, by the grant of the neighbouring kingdom of Burgundy.⁴

In the negotiations which passed between England and the emperor a prominent part was taken by Savaric, Bishop of Bath, whom Henry describes in a letter written in 1191 to the monks of Canterbury as his beloved kins-

¹ Cartellieri, *Philipp II August*, iii. 42.

² Hoveden, iii. 301: 'Notum enim erat regi Angliae, quod praedictus imperator super omnia desiderabat ut regnum Franciae Romanorum imperio subiaceret.' Innocent III wrote to Philip Augustus after Henry's death that the latter had declared his intention 'te de caetero ad fidelitatem sibi compelleret exhibendam'. Reg. Innocent. III, de negotio Romani Imperii, No. 64 (Migne, ccxvi, col. 1071).

³ Hoveden, iii. 300, anno 1195: 'Henricus Romanorum imperator misit Ricardo regi Angliae coronam magnam auream, et valde pretiosam, in mutuae dilectionis signum; mandans ei in fide quam illi debebat, et sicut obsides suos diligebat, ne perirent, quod ipse terram regis Franciae hostiliter invaderet, et ipse imperator succursum ei faceret competentem ad iniurias sibi a rege Franciae factas ulciscendas.' Cf. *ibid.*, p. 302: '(Imperator) qui prohibuerat regi Angliae ne ipse pacem cum rege Franciae faceret, nisi de consensu et consilio suo.'

⁴ Henry II had realized the value of extending the Angevin dominions in this direction when in 1171 he arranged a marriage for his son John with the daughter and heiress of Count Humbert of Maurienne. The marriage, however, did not take place.

man ;¹ and though the fact of the relationship was well known to English writers,² the degree is nowhere mentioned, and has not since been discovered. Savaric's pedigree on his father's side has been definitely ascertained : he was the son of Geldewin whose father, Savaric FitzCana, lord of Midhurst in Sussex, married Muriel, the daughter of Richard de Meri and granddaughter of Humphrey de Bohun.³ It is clearly to Savaric's mother Estrangia that we must look for the connexion with the emperor. Her identity is proved from a grant of certain property made by her husband to the priory of Boxgrave in Sussex to which she was a witness.⁴ The lady Estrangia or Extranea held lands at Aylesford in Kent from 1157 until 1171, in the early part of which year she died.⁵ Of her antecedents before she appears in English records in 1157 there is no trace ; nor can we hope ever to establish her identity with absolute certainty, for in all probability the name Estrangia was given her

¹ 'Dilectus consanguineus noster', *Memorials of Richard I*, vol. ii, Epp. Cantuar. (Rolls Series, ed. Stubbs), p. 350.

² Hoveden, iv. 30 ; Adam of Domesday (ed. Hearne), ii. 353, 356, 375 ; *Historia de Episcopis Bathoniensibus et Wellensibus* (ed. Wharton, *Anglia Sacra*), i. 562.

³ Stapleton, *Rotuli Scaccarii Normanniae*, ii, pp. xxxiv f. ; Stubbs, *Epp. Cantuar.* lxxxvi f. ; Round, *Calendar of Documents, France*, xlvi, and *Sussex Arch. Collections*, xl, p. 60 (1896) ; Salzman, *ibid.* lxxv, p. 33 (1924). See also the article by Dr. Hunt in *D. N. B.*

⁴ Cotton MS. Claudius A. vi, fo. 75 'domina estrangia uxore Geldewini'.

⁵ Pipe Rolls, 3 Henry II to 17 Henry II. £32 blanc are deducted from the farm of Kent each year from 3 Henry II to 16 Henry II for *terrae datae* to the lady Estrangia ; in 17 Henry II a deduction is made only for the eighth part of the year during which she lived. The manor of Aylesford afterwards passed to William de Dunstune who received it from 'one Strangea . . . in frank marriage with a certain lady of her household' (*domicilla*). *Inquisitio post mortem*, 1271, in *Arch. Cantiana*, vol. vi, p. 238.

in England on account of her foreign extraction ; *domina estrangia* or *extranea* may simply indicate ' the foreign lady '.¹

If we may assume that she acquired the property in England shortly after her marriage, we must seek for a kinswoman of the emperor of marriageable age in 1157. Stubbs in the introduction to his edition of the *Epistolae Cantuarienses* suggested that the connexion was on the side of the emperor's mother Beatrix. She was the only child of Rainald III, Count of Burgundy, and had entered into her inheritance in 1148 while still a minor, and she was young when in 1156 she married Frederick Barbarossa ; it is to the generation above that we must look for the elusive Estrangia. The mother of Beatrix was Agatha, one of the numerous children of Simon I, Duke of Upper Lorraine, and it is perhaps to this family that Estrangia belongs.

The genealogy of the ducal house of Lorraine has been complicated by the work of forgers, notably by de Rosières in the sixteenth and Jerome Vignier in the seventeenth century ; and in spite of the laborious and careful work of Dom Calmet and Benoît Picart, the tangle has only been unravelled in recent years.² Francois de Rosières, Archdeacon of Toul and protégé of the Cardinal of Lorraine, was instructed to establish, for political purposes, a connexion in the direct line between the family

¹ Cf. the origin of the name ' le Strange ' in *Le Strange Records*, by Hamon le Strange, p. 8. It was also common, particularly in Lorraine, in the eleventh and twelfth centuries for women to change their names when they married. See the examples given by Duvernoy, *Le Duc de Lorraine, Mathieu I^{er}*, p. 12. The mother of Beatrix, through whom probably Savaric was related to the emperor, appears in documents under three different names—Agatha, Judith, and Aleide.

² By E. Duvernoy, *Catalogue des actes des Ducs de Lorraine de 1048-1139*, in *Mémoires de la Soc. d'Arch. Lorraine*, vol. lxii, 1912 ; and *Le Duc de Lorraine, Mathieu I^{er}*, by the same writer.

of Guise and the Carolingian kings. To accomplish this end he either fabricated documents or introduced into genuine documents the names he required. The result of his labours was published at Toul in 1580, and he was rewarded for his pains by a term of years in the Bastille. In this work, entitled *Stemmata Lotharingiae ac Barri ducum*, he attributes to Duke Simon a family of sixteen children, and evidence is furnished by making them consenting parties to a spurious grant to the abbey of Beaupré.¹ Nevertheless the family was admittedly a large one; *L'Art de Vérifier les Dates* gives the number as twelve, and although no more than seven—four sons and three daughters—can be proved to have lived on the unimpeachable evidence of genuine documents,² the existence of a daughter who left the country, perhaps before she was of an age to attest documents, is by no means impossible. The family of Simon was attached by close ties to Germany, England, and Burgundy. Simon himself was a half-brother of the Emperor Lothair of Supplinburg, whose mother Hedwig of Formbach married a second time Thierry II, Duke of Lorraine, his father; his eldest son Mathew, who succeeded to the dukedom, married Bertha (called Judith by Otto of Freising), sister of Frederick Barbarossa who himself married Simon's granddaughter Beatrix. Simon's half-brother was Thierry of Alsace, Count of Flanders, who was present at the

¹ Duvernoy, *Catalogue des actes*, p. 138. Many of the names also appear in another spurious document purporting to be a gift by Duke Simon to the abbey of S. Mathias at Treves, *ibid.*, p. 149. On the forgeries of de Rosières and Vignier, see Bréquigny et La Porte du Theil, *Diplomata, chartae, epistolae, leges, et alia instrumenta ad res Gallo-Francicas spectantia*, Paris, 1843-9, Prolegomena, p. 315; and Giry, *Manuel de Diplomatique*, p. 880.

² Duvernoy, *Mathieu I^{er}*, pp. 26-30.

coronation of Henry II, held lands in England, and throughout his life was deeply involved in English affairs.¹ As we have already noticed, Simon's daughter married the Count of Burgundy; his half-sister married Bernard, Seigneur of Brancion in the neighbourhood of Mâcon, and his wife, after his death in 1139, withdrew to the monastery of Tart near Dijon. In the kingdom, the county, and the duchy of Burgundy we find ramifications of the family. If we are right in supposing that Estrangia was also a member of it, we are able to account for the influential position occupied by Savaric both at the imperial court and in Burgundy.

This suggestion is rendered the more probable by the fact that at Petworth, not half a dozen miles from Geldewin's home at Midhurst, lived Josceline of Louvain who was connected by ties of kinship with the same Duke Simon. He was the son of Godfrey VII, Duke of Lower Lorraine, by his second wife, Clementia of Burgundy, the aunt of Rainald III, Count of Burgundy, who married Duke Simon's daughter Agatha. Clementia was also, by her first marriage with Robert II, Count of Flanders, the sister-in-law of Gertrude the second wife of Thierry II, Duke of Upper Lorraine, Simon's father. Josceline had received on the occasion of his marriage with Agnes, the heiress of the house of Percy, the lordship of Petworth from his half-sister Adeliza, King Henry I's widow, who had settled on her Arundel estate with her second husband William of Albini.² Geldewin's nearest neighbour in Sussex was therefore closely attached to the ruling families in Lorraine and Burgundy, a fact which helps

¹ On Thierry's relations with England, see W. Kienast, *Die deutschen Fürsten im Dienste der Westmächte* (1924), pp. 64 ff.

² Farrer, *Honors and Knights' Fees*, vol. iii. The Honor of Arundel.

to explain why it may well be in Lorraine that he sought his wife.¹

The emperor appears to have regarded the connexion with Savaric as an intimate one, and promoted his interests to a greater extent than mere claim of kinship would demand. At his instance, for example, Savaric acquired from Richard the abbey of Glastonbury 'for the Emperor', Richard explains to the supplanted abbot, Henry of Sully, 'constrained me to this'.² It was no doubt on the grounds of his friendship and connexion with the emperor that Savaric was selected to open negotiations for Richard's release from captivity.³ He was present at the meeting at Mainz where Richard was at last liberated, and he became one of the hostages.⁴ It seems not unlikely that the grant of the kingdom of Burgundy to Richard was made at Savaric's suggestion. This hypothesis is strengthened by the fact that shortly after the grant was made Savaric appears as holding an administrative post in that country. He was the emperor's chancellor of Burgundy.⁵

There is an obvious difficulty here that for many years

¹ Stubbs, who was greatly interested in this problem, wrote to Freeman, 'I think my friend Geldewin is to be looked for in the neighbourhood of Verdun' (unpublished letter); the grounds for his supposition are not revealed, but it harmonizes well with the suggestion here put forward.

² Adam of Domerham, ii, p. 355 f.: 'Oportebit me dare Savarico, in augmentum episcopatus sui, abbaciam Glastoniensem. Ad hoc enim artat me imperator, procurante hoc Savarico, qui dicitur eius consanguineus.'

³ See letter of the Archbishop of Rouen to the Bishop of Durham in Hoveden, iii. 197.

⁴ *Ibid.*, 231, 233.

⁵ 'Henricus Romanorum imperator . . . misit Savaricum Batoniensem episcopum, consanguineum et cancellarium suum de Burgundia, ad Ricardum regem Angliae.' Hoveden, iv. 30. Cf. Adam of Domerham, ii. 353: 'Savaricus circa imperatorem, cuius se gessit consanguineum, et exstitit cancellarius, conversatus.'

there had been no chancellor of Burgundy. Hermanfred, Bishop of Sion, held the office under Henry IV, and Gerold, Bishop of Lausanne, under Henry V.¹ But under the latter emperor the chanceries of Germany, Italy, and Burgundy were united and the work of the three kingdoms was done in a single imperial chancery.² It was probably in the reign of Lothair of Supplinburg that the practice came in for the *recognitio* to be made in the name of the archchancellor of the country in which the emperor was residing;³ and to carry out this rule an archchancellor for Burgundy was necessary. We hear of no one exercising this office under Lothair and Conrad, under both of whom the affairs of Burgundy were almost entirely delegated to Berthold, Duke of Zähringen, in his capacity of *rector*. On the first visit of Frederick Barbarossa to Burgundy in 1153 the German archchancellor, Henry, Archbishop of Mainz, acted;⁴ but in 1157—and the change is undoubtedly to be connected with his marriage with the heiress of the county of Burgundy—Frederick conferred the archchancellorship upon the Archbishop of Vienne and his successors; they appear to have retained the office down to the end of the Hohenstaufen period.⁵

At the time of the grant of the Arelate to Richard I, Robert, Archbishop of Vienne, was therefore archchancellor, and he was succeeded in 1195 both in the archbishopric and the archchancellorship by Einhard, in whose name documents were issued in July 1196.⁶ No

¹ Bresslau, *Urkundenlehre*, 2nd edition, pp. 478, 480.

² *Ibid.*, p. 466.

³ *Ibid.*, p. 487.

⁴ *Ibid.*, p. 507; Stumpf, *Reichskanzler*, 3662, 3663.

⁵ Bresslau, pp. 513 f. Cf. Fournier, *Le Royaume d'Arles et de Vienne*, p. 525.

⁶ Stumpf, 5016, 5017 'Ego Conradus Hildenesch. elect. imp. aul.

person appears as a chancellor under the archchancellor, and in the latter's absence a document is issued in the name of the protonotary.¹ Sometimes there is no *recognitio* clause at all.² Hoveden's statement unsupported by other evidence might perhaps be set aside,³ but it is corroborated by the tradition in Savaric's own diocese. Adam of Domerham, who wrote his history in the course of the thirteenth century, must have had good reason to know the details of the career of the Bishop of Bath, who continually thwarted the monks of Glastonbury, and who actually seised for a time the abbey for himself. He speaks of Savaric as the emperor's chancellor.⁴ It seems probable, then, that Savaric's appointment to the chancellorship of Burgundy was a fact, and that it formed part of the plan of the grant of Burgundy to the King of England. Savaric was intimate with Richard I and with the emperor; and if we are right in supposing that his relationship with the emperor was through the family of Duke Simon of Lorraine, he would have been brought

canc. vic. Einhardi Vienn. archiep. et Burg. archicanc. . . . per manum antedicti (*sci.* Alberti prothonot.).⁵

¹ As e.g. in a grant of land by Frederick I in 1166: 'Ego Henricus prothonotarius, vice Vuillermi archiepiscopi Viennensis, et totius Burgundie archicancellarii, recognovi.' *Cartulaire de Bourgogne* in *Mémoires et Documents inédits pour servir à l'histoire de la Franche-Comté*, viii. 3 (1908).

² Cf. Winkelmann, *Philipp von Schwaben*, p. 489: 'Dass Savary sonst nirgends als Kanzler erwähnt wird, dieses *argumentum a silentio* will nicht viel sagen, da man weiss, wie wenige burgundische Urkunden aus dieser Zeit bisher ordentlich veröffentlicht sind.'

³ Toeche, *Heinrich VI*, p. 479, rejects it; but his reasons for so doing are not convincing. He urges, for example, the silence of Ralph of Diceto 'als officieller Autor' as a strong argument against it.

⁴ *Vide supra*, p. 268, note 5. A parallel to Savaric's position may be that of a certain Peter, precentor of Besançon, who is mentioned in a document of 1256 as *cancellarius Burgundie* (*Cartulaire de Bourgogne*, p. 82).

into touch with a wide circle of family connexions in Burgundy and the neighbouring country; it may not be a mere coincidence that while still Archdeacon of Northampton he is found attesting a grant to Bishop Reginald of Bath side by side with Dalmasius, seneschal of Lyons.¹ Savaric would be in every respect an appropriate person to assist in carrying out the scheme which the emperor set on foot in 1193.

In 1197, during the illness which prematurely ended his life, Henry VI seemed anxious to make some compensation in money or lands to Richard for the extortionate sums which he had exacted as the price of release. He therefore dispatched Savaric to make this offer; before, however, the mission could be accomplished the emperor was dead (28 September).² Toeche regards the whole of this passage as a fabrication of Hoveden: he argues that the last part of the sentence relating to the excommunication of the emperor is demonstrably false, that there is no evidence that Savaric was in Italy at that date, and finally that the idea of making recompense was entirely out of keeping with the emperor's character.³ These arguments have been answered by Winkelmann.⁴

¹ *MSS. of the Dean and Chapter of Wells*, i. 25. Cf. Church, *Early History of the Church of Wells*, p. 90.

² Hoveden, iv. 30 f.: 'Henricus Romanorum imperator . . . misit Savaricum Batoniensem episcopum, consanguineum et cancellarium suum de Burgundia, ad Ricardum regem Angliae et obtulit ei recompensationem pecuniae quam de eo ceperat pro redemptione sua, sive in auro et argento, sive in terris. Dum autem praedictus Savaricus iret in ista legatione, praedictus Romanorum imperator obiit in Sicilia apud Messanam, in vigilia Sancti Michaelis, excommunicatus a Coelestino papa propter captiorem et redemptionem Ricardi regis Angliae.'

³ *Heinrich VI*, p. 479, n. 3. But on p. 370, n. 4, he seems to accept Hoveden's statement about the offer of compensation.

⁴ *Philipp von Schwaben*, pp. 488 ff.

and need only be briefly considered here. Hoveden was admittedly mistaken in thinking that the emperor died under sentence of excommunication, but the fact that he made a not unnatural mistake in one portion of the sentence does not vitiate the whole passage; Savaric was in Rome in May 1196,¹ and the course of the Glastonbury dispute would lead us to suppose that he remained in Italy at least till the end of that year.² Except in the passage under discussion, we hear nothing of his movements until he reappears at Richard's court at Rouen on 16 October 1197.³ In the absence of evidence to the contrary, therefore, we may fairly suppose that Savaric was in Italy from the summer of 1196 to the summer of 1197, first at Rome and later with the emperor. The latter fell ill early in August, and it was probably in the course of that month that he dispatched Savaric with his offer to Richard. Savaric was already far on his journey when the emperor died on 28 September, for on the 16th of the next month he had reached the English court at Rouen.

That an offer of compensation was not in keeping with the emperor's character and policy, as Toeche maintains, cannot be upheld; the proposal is in complete harmony with the spirit of Henry's testament. The dying emperor wished to smooth the path for his infant heir; to save what was essential by sacrificing what was not. He was too clear-sighted to imagine that the vast empire, over

¹ He was present at the dedication of the Church of St. Laurence in Lucina on 26 May 1196. P. Kehr, *Reg. Pont. Rom. 1 Roma*, p. 84; Pflugk-Harttung, *Iter Italicum*, p. 510. Winkelmann wrongly dates this in March 1197 (p. 489).

² Armitage Robinson, *Somerset Historical Essays*, pp. 68 f.

³ Ralph of Diceto (ed. Stubbs, *Rolls Series*), ii. 156; Rymer, *Foedera*, i. 69.

which he held suzerainty, could survive his death. Besides the abundant concessions to the Pope, he made concessions to Richard: he released him from his feudal dependence on the empire,¹ and he offered to compensate him for the heavy sums he had extorted.

What, then, were the lands which Henry was prepared to hand over to Richard? Winkelmann thinks they were lands in France.² But in France he had no lands to give; it would have been a valueless concession. It seems more likely that once more he was thinking of the Burgundian scheme; that what he had planned in 1193 he proposed to complete on his deathbed.³

AUSTIN L. POOLE.

¹ Hoveden, iii. 203. Winkelmann, *Philipp von Schwaben*, p. 488, considers that this concession was included in the original testament.

² *Ibid.*, p. 490.

³ That Richard received a summons from the anti-Hohenstaufen party to a meeting of princes of the empire for the purpose of electing a king as *praecipuum membrum imperii* (Hoveden, iv. 37) can scarcely be adduced as an argument that the Burgundian grant was carried out. Ficker, *Vom Fürstenstande*, p. 225, admits the possibility that it might be in respect of Burgundy that he received a summons. But it is more likely that it was in respect of holding England as an imperial fief, and the fact that the feudal suzerainty was surrendered in the testament does not discredit such a possibility; for that document was not disclosed by Markward of Anweiler, to whom it was entrusted, and only became known when it fell into the hands of the papal troops after the battle of Montreale in July 1200. In any case such a summons would be quite without precedent, and nothing can be argued from it. It is even questionable whether Hoveden has not misunderstood the nature of the embassy. It may have been no more than a mere demand for Richard's support. Maurenbrecher, *Geschichte der deutschen Königswahlen*, p. 183, n. 1, regards Hoveden's statement as highly suspicious.

LA PRIMA RELAZIONE DEL CARDINALE NICOLÒ DE ROMANIS SULLA SUA LEGA- ZIONE IN INGHILTERRA (1213)

CON lettere del 5 e 6 luglio 1213 Innocenzo III, che aveva accolto la preghiera relativa del re Giovanni, annunciava ai prelati secolari e regolari inglesi, ai re di Francia e d'Inghilterra, all'arcivescovo di Canterbury e suffraganei, non che ai magnati inglesi ¹ l'invio d'un suo legato in Inghilterra *pro reconciliatione regis et regni* ² nella persona del cardinale Nicolò de Romanis, vescovo di Tuscolo,³ di cui quasi *angelus salutis et pacis* faceva grandi elogi. Già prima del 14 luglio il cardinale, dice Innocenzo, che allora trovavasi a Segni, *a praesentia nostra recesserat, accepta licentia procedendi*,⁴ ma soltanto il 20 settembre metteva piede in Inghilterra, ove la sua missione doveva terminare col proscioglimento del regno dall'interdetto il 29 giugno 1214.

I cronisti inglesi riferiscono sul cardinale tuscolano

¹ Sono i nri. 4774-4778 di A. Potthast, *Regesta Pontificum Romanorum*.

² Ruggero di Wendover (v. sotto) dice: *ut dissensionem inter regnum et sacerdotium auctoritate apostolica reformaret*, e Matteo Paris (v. sotto): *ut statum regni reformaret*.

³ Cfr. Ciaconius-Oldoinus, *Vitae et res gestae Pontif. Roman. et S. R. E. Cardinalium*, ii. 22 s.; L. Cardella, *Memorie istoriche dei Cardinali* I. 2, Roma 1793, 196 ss.; M. Bihl in *Archivum franciscanum histor.* xix (1926), 286 ss. Nicolò fu cappellano di Innocenzo III; v. il supplemento dei *Gesta Innocentii* edito da A. Mai, *Spicil. Romanum*, vi. 308, e in Migne, *Patrol. Lat.* 214, ccxii. Il codice usato dal Mai, già *Miscell. Arm.* xi, t. 25 nell'Archivio Vaticano, è ora alla Biblioteca Vaticana fra i codici latini col no. 12111. L'edizione del Mai va riveduta: egli ad es. dà sempre *libras proventus* invece di *libras provinenses*!

⁴ Potthast, no. 4780

e sulla sua azione,¹ singolarmente Matteo Paris nella sua *Historia Anglorum*² e nelle *Chronica maiora*,³ qui però copiando Ruggero di Wendover,⁴ ma poichè non scendono molto a particolari, rendono tanto più interessante e preziosa la prima⁵ relazione, che da Westminster il legato mandò al papa il 21 ottobre 1213. Dalla medesima si rilevano ragioni fin qui ignorate di dispareri fra il cardinale ed i vescovi inglesi e si vede ancor meglio come Radolfo di Coggeshall potesse scrivere che Nicolò 'ut pluribus videbatur, nimis favorabilis erat regi in disponendis rebus et causis ecclesiasticis',⁶ sicchè, a detta di Gualtiero di Coventry, fu poi richiamato da Innocenzo 'eo quod minus strenue, ut dicitur, se gessit in Anglia. Unde rex comperto quod is sibi subtractus esset super quem requiescebat, mitior factus est et circa episcopos Angliae tractabilior.'⁷

¹ Diffusamente tratta dei suoi rapporti coll'abbazia il *Chronicon abb. de Evesham*, ed. W. D. Macray (*Rerum Britannicarum medii aevi Scriptores*), 230, 234 ss.

² Ed. Fr. Madden (raccolta cit.), ii. 145 ss.

³ Ed. H. R. Luard (raccolta cit.), ii. 568 ss.

⁴ *Flores historiarum*, ed. H. G. Hewlett (raccolta cit.), ii. 93 ss. Si veggia anche il *Memoriale fratris Walteri de Coventria*, ed. W. Stubbs (raccolta cit.), ii. 214 ss.

⁵ È molto probabile che Nicolò abbia mandato altre relazioni, che però non si trovano ora nell'Archivio Vaticano, nè risultano dai cataloghi antichi.

⁶ *Chronicon anglicanum*, ed. J. Stevenson (raccolta cit.), 167.

⁷ Loc. cit. 217. Tommaso di Burton ripete quasi alla lettera queste frasi in *Chronica monasterii de Melsa*, ed. E. A. Bond (raccolta cit.), i. 394. Ruggero di Wendover, riferendosi a quanto fu fatto il 3 ottobre 1213, osserva: 'unde protinus suspicatum est, legatum plus aequo parti regiae consentire' (loc. cit. 94); e Matteo Paris, *Hist. Angl.*, loc. cit. 145, dopo aver detto che re Giovanni cum magna pompa suscepit Nicolò, aggiunge: 'ilico inclinatum est cor ipsius [Nicolai], et eidem adhaesit plusquam parti ecclesiae dampnificatae' e poi 'in hoc iam apparuit cor ipsius enervatum.' Ruggero di Wendover loc. cit. 103 s. fa comprendere il malcontento per il contegno assunto da Nicolò circa le loro rivendicazioni da coloro che erano rimasti in Inghilterra durante l'interdetto.

La relazione, ripetutamente citata negli schedari del Garampi dell' Archivio Vaticano, non sotto il nome dell'autore nè come resoconto di quanto egli aveva compiuto, ma sotto la parola d'ordine di alcuno dei particolari in essa toccati ¹ (Irlanda, S. Sisto, ecc.), si conserva nel predetto Archivio, sezione di Castel S. Angelo, colla segnatura *AA. Arm. I-XVIII, 4070*, già *Arm. XIV, caps. 2, no. 47* e prima ancora *Arm. XIV, caps. 2*, lettere *a a a*,² o *fasciculus primus*. Sotto queste segnature la si incontra nei diversi inventarii del fondo di Castel S. Angelo ora collocati nella serie degli *Indici*, da quello di Domenico Ranaldi del 1593 (*Indici*, vol. 13, f. 302^r) al catalogo di N. Antonelli (*Indici*, vol. 67, f. 104^v-105^r). Poi deve essere andata smarrita, non comprendendosi come non sia stata presa in considerazione dagli storici moderni dopo l'apertura dell' Archivio Vaticano agli studiosi. Io stesso invano la cercai nel 1916 allorchè raccoglievo i materiali per la *Raccolta di concordati su materie ecclesiastiche tra la Santa Sede e le autorità civili* (Roma 1919), ma ebbi la ventura di ritrovarla nel 1924 entro un volume della *Nunziatura di Germania*.³

La relazione è stesa su un foglio di pergamena, di centimetri 40 d'altezza e 35 di larghezza, in 60 linee e $\frac{1}{2}$ senza margine libero nè a destra nè a sinistra. Lo stato di conservazione è discreto, ma ci sono macchie d'umidità e qua e là l'inchiostro è scomparso: nelle

¹ Ad esempio *Indici*, vol. 484, f. 2^v, e vol. 512, f. 150^v.

² Questi tre 'a' sono tuttora percettibili nel verso della pergamena.

³ Una copia della seconda metà del secolo xvi ha la segnatura *AA. Arm. I-XVIII, no. 3102*, già *Arm. XI, caps. 7, no. 14* o lettera *o* e sotto queste segnature ricorre negli *Indici* ricordati sopra. Essa ha valore soltanto perchè ci apprende che quando fu eseguita l'originale era già guasto precisamente come adesso: il copista in parte ha supplito, bene o male, le lacune, in parte ha proceduto come se non esistessero lacune.

linee 26-38 riscontrasi un notevole buco probabilmente dovuto a rodimento di sorci. La scrittura del tempo, il semplice indirizzo nell' esterno, ' domino pape ', le non poche parole interlineari, che contrassegno colla lettera ' a ', inducono a concludere che si tratti dell' originale mandato a Innocenzo III, che si riproduce qui con scrupolosa esattezza, ma non tenendo conto della minuscola iniziale usata in esso per nomi proprii e introducendo un punteggiamento razionale diverso da quello della pergamena. I supplementi nei luoghi lacunosi furono suggeriti dal senso o presi da altre fonti.

Archivio Vaticano, giugno 1926.

MGR. ANGELO MERCATI.

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Sanctissi[m]o in Christo patri et domino suo Innocentio Dei gratia sancte Romane ecclesie Pontifici Nicolaus Dei et sui gratia Tusculanus episcopus seipsum ad pedes et totius obedientie famulatum.

Beatitudini ¹ uestre de processu meo et commissis mihi negociis hactenus non potui scribere quicquam certum. Nunc autem quia possum [et ex]pedit que acta sunt uestre exponere sanctitati, uobis duxi omnia presentibus exponenda. Nouerit itaque uestra sanctitas quod in uigilia beati Mathei ² per Dei gratiam prospere transfretauimus cum nauibus quas mihi miserat venerabilis frater S. Cantuariensis archiepiscopus, qui in portu Douarie cum equis necessariis et magna mihi de[uo]tione occurrens, honorifice me recepit et exponens ad ecclesie obsequia libera-

¹ L' originale ha ' Beatudini '.

² Ruggero di Wendover e Matteo Paris pongono la venuta di Nicolò in Inghilterra *circa festum sancti Michaelis*, che cade il 29 settembre; gli *Annales de Waverleia*, ed. H. R. Luard (raccolta cit.; *Annales monastici*, ii, 277) al 27 settembre; qui abbiamo la data precisa, il 20.

liter^a se et sua, usque Londonias¹ mecum uenit. In ingressu autem Londonie illustris rex Anglie mihi satis honorifice extra ciuitatem occurrit et benigne ac deuote uestri gratia me recepit. Cumque de statu regis et regni quererem [ut p]rocederem [c]autius et sufficienter instructus, inueni quod rex ante aduentum meum fuerat absolutus.² Qui a me postmodum debita mansuetudine requisitus de fidelitate, homagio et oblatione regnorum, que fecerat innouauit³ et in cathedrali ecclesia londoniensi clero et populo congregato, presentibus iamdictis⁴ [arch]iepiscopo, . . lo[n]donie[n]si, . . Wintoniensi, . . lincolien-si et . . heliensi episcopis,⁵ astantibus etiam baronibus et comitibus multis,⁶ lecte sunt oblationis sue littere aurea bulla munite,⁷ quarum uobis transmittito transcri-

¹ Nicolò usa ambedue le forme, singolare e plurale, del nome di Londra: più avanti scrive *London*.

² Il 20 luglio, 1213; cfr. W. Fr. Ladenbauer (*Wie wurde König Johann von England Vasall des röm. Stuhles?* in *Zeitschrift für kathol. Theol.* vi [1882], 201-47, 393-437), 412, n. 1.

³ Il 3 ottobre 1213.

⁴ Sic! per 'iamdicto'.

⁵ I prelati sono Stefano Langton di Canterbury, Guglielmo di Sainte-Mère-Église di Londra, Pietro de Roches di Winchester, Ugo di Wells di Lincoln, Eustachio di Ely. Più avanti si incontrerà il vescovo di Hereford, Egidio di Braose. Per tutti cfr. il *Dictionary of National Biography* ai rispettivi nomi; pel Braose, ii. 1138 s. (ediz. 1908-1909). Nelle edizioni del registro di Innocenzo III e nelle varie edizioni dei *Foedera* del Rymer il vescovo di Lincoln è detto Uberto, ma sta fuori di discussione che dal 1209 era vescovo colà Ugo. Il più strano è che Ruggero di Wendover, il quale a p. 54 sotto il 1209 parla dell'elezione di Ugo, a p. 81 lo chiama Uberto (o è colpa dell'editore?). Il registro Vaticano dà la sola iniziale 'H'. È da notarsi la concessione d'un beneficio in diocesi di Lincoln ad un parente del cardinale Nicolò: *The Canterbury and York Society: Diocese of Lincoln*, vol. i; *Rotuli Hugonis de Welles*, ed. W. P. W. Phillimore, London 1909, 70.

⁶ Ladenbauer, loc. cit. 420, n. 2, osserva che in nessun luogo si parla di baroni presenti all'atto: è notevole quindi l'affermazione del legato.

⁷ Matteo Paris, *Hist. Angl.* ii. 146, ripetendo le parole di Ruggero di Wendover, ii. 95, osserva qui che la 'carta . . . Pandulpho tradita' il

ptum. Quibus lectis et auditis ab omnibus coram maiori altari eiusdem ecclesie, sancte Romane ecclesie, [uob]is et successoribus uestris in manibus meis fecit homagium, fidelitatem iurauit et litteras ipsas cum mille marchis pro censu presentis anni mihi uidentibus omnibus deuote et humiliter assignauit, cum multa postmodum s[eor]s[i]m supplicatione deposcens ut uice et loco uestri ipsum, heredes suos una cum omnibus bonis ^a eius sub ecclesie et uestra protectione reciperem et meas super hoc protectionis litteras ei darem, donec protectionis et confirmationis uestre litteris muniretur. Ego uero considerans deuotionem et humilitatem ipsius, quas petebat ei concessi litteras, quarum uobis mitto transcriptum ¹ et uestras promisi ei protectionis et confirmationis; queso, litteras ^a quamcitus transmittatis.

Verum quia non solum a rege sed a clero et populo uniuerso relaxari interdictum anxie petebatur, licet prius cum rege archiepiscopus et episcopi, de assensu clericorum et laicorum, quos negotium contingebat, in hunc mo[dum] pacis unanimiter consensissent, ut in festo natalis Domini xv milia marcharum pro dampnorum et ablatorum recompensatione darentur et de reliquo satisfaceret in festo resurrectionis eidem (sic) et sic non ante sed relaxaretur postea interdictum, quod iuramento proprio dicitur rex firmasse, tamen [ut] celerius si possem petentibus desiderata concederem, de consummanda pace cum rege, archiepiscopo et episcopis diu ac diligenter tractaui et uiam multiplicem adinueni, ut utrique parti

15 maggio 1213 era invece 'cera signata'. Nell'Archivio Vaticano non si conserva l'originale dell'atto (nè risulta dagli inventarii antichi), ma due copie, la prima in uno dei transunti di Lione del 1245, l'altra in un transunto di Giovanni d'Amelio del 1339 (*AA. Arm. i-xviii*, nri. 582 e 465), ci si trovano.

¹ Non si trovano nell'Archivio Vaticano.

forsan aliqua placeret de multis. Rex autem post multam monitionem meam obtulit mihi duo, uidelicet paratus erat incontinenti et sub iuramento reddere quicquid ad manus suas de rebus peruenerat omnium, quos idem negocium contingebat, dummodo relaxaretur ilico interdictum et quod pro necessitate regni humiliter postulabat, reliqua, tam ablata per alios et non reddita quam dampna data, misericorditer dimitterentur eidem, vel si archiepiscopus et episcopi mallent, centum milia marcharum, illis xii milibus, quas iam per manus P. subdiaconi uestri receperant, computatis,¹ penes me uolebat deponere et sufficientem dare iuxta [su]um arb[itr]ium c[on]suetudinem quod depositum esset tutum, ita quod fieret statim relaxatio interdicti et donec inquisitio de dampnis fieret et ablatis utraque pars, per suas litteras et nuncios propria uobis exposita uoluntate, tam super deposito quam super petitionibus suis, ablatis [et] dampnis [uestram] ordinationem requirerent et per omnia obseruarent. Archiepiscopus uero et predicti qui presentes erant episcopi responderunt quod inrequisito consensu episcoporum absentium et aliorum, quos idem negocium contingebat, nec poterant nec uolebant recedere a predicto modo pacis in quem omnes conuenerant et iuramento proprio rex firmauerat. Primam autem oblationem regis, qua petebat dimitti ablata et dampna omnia que sibi non fuerant assignata, noluerunt recipere proponentes quod si etiam uellent non poterant propter specialis mandati uestri litteras quas ostenderunt mihi ex insperato et subito in hac forma.² Innocentius episcopus seruus seruorum Dei.

¹ Pandolfo, poscia vescovo di Norwich: v. *Dictionary of National Biography*, ed. cit., xv. 174 ss. Sono gli *octo millia libras esterlingorum* di Ruggero di Wendover, loc. cit., 77.

² Questa lettera e la seguente sono i nri. 4398 e 4399 di Potthast, che le attribuisce all'anno 1212, 1º marzo. Anche nel *Reg. Vatic.* 8 esse

Venerabilibus S. Cantuariensi archiepiscopo sancte Romane ecclesie cardinali, W. londoniensi, E. heliensi, E. herefordiensi et H. lincolienti episcopis salutem et apostolicam benedictionem. Ea que illicite presumuntur contra honestatem canonicam aut ecclesiasticam libertatem, merito debent per auctoritatem apostolicam irritari, ne forte transeant presumptoribus in exemplum. Quocirca discretioni uestre per apostolica scripta mandamus quatinus concessionem, pactionem siue promissionem, quas clerici seu religiosi uiri cuiuscumque professionis uel ordinis Iohanni regi Anglie super ablatis uel extortis post interdictum fecerunt quominus ipsa restituantur ad plenum, denunciatis irritas et inanes, actores ¹ etiam et procuratores illarum nisi moniti satisfecerint excommunicationis uinculo innodetis. Siqui uero predictorum noluerint ablata uel extorta repetere, detentores eorum nichilominus ipsa restituere compellatis in terre sancte subsidium iuxta mandatum apostolicum reseruanda. Quod si non ^a omnes hiis exequendis potueritis interesse, tres aut duo uestrum appellatione ^a remota ^a ea nichilominus exequantur. Datum Laterani nonis martii pontificatus nostri anno sextodecimo. Secundam uero oblationem regis admittere renuerunt asserentes quod super deposito nulla fides uel securitas poterat adhiberi quominus rex illud acciperet quando uellet. Tandem a me archiepiscopus et episcopi sepius cum instantia requisiti ut mihi exponerent si quem acceptarent uel reputarent

sono entro il libro xv, che dovrebbe abbracciare l'anno 15^o del pontificato d'Innocenzo III fino al 21 febbraio 1213, ma dal cardinale Nicolò apprendiamo che si tratta dell'anno 16^o e che la data (*ut supra* nel *Reg.*) è il 7 marzo 1213. Giustamente colloca le due lettere nel 1213 W. H. Bliss, *Calendar of Entries in the Papal Registers*, Papal Letters, i. 37.

¹ Il *Reg. Vatic.* 8 (che più sopra ha f[raternitati] t[ue] invece del *discretioni vestre* delle edizioni) e le stampe: 'auctores'.

congruum modum pacis ita quod relaxaretur ilico interdictum, dixerunt quod si rex^a restitueret que habuit uniuersa et facta inquisitione de ablatis ab^a aliis et retentis, probata restituerentur ad plenum, uel de hiis partem aliquam rex haberet, ut eius auxilio diligentius et securius quereretur, eis acceptabile uidebatur, ita tamen quod de dampnis datis consilio meo et baronum, qui pacem iurauerant, moderata recompensatio fieret levis ecclesiis in libertatibus et redditibus perpetuo concedendis a rege, quibus non multum respectu grauaretur dampnorum, a quibus dampnis^a excipiebant dampnum londoniensis episcopi super castro episcopatus diruto, quod tanquam graue nimium compensari specialiter iusta estimatione petebant. Quod cum rex nullatenus acceptaret, tam ipse quam pars altera nobis instantius supplicauit ut que pro bono pacis obtulerant uestre referrem fideliter sanctitati. Demum eis conuenire nolentibus in modum aliquem predictorum ad petitionem et instantiam regis, qui non modicum turbabatur pro litteris uestris quas archiepiscopus et episcopi dicebantur hab[ere contra] illos qui beneficia ecclesiastica ab eo excommunicato receperant et pro aliis litteris que contra ipsum et heredes suos expresse facere credebantur, a predictis archiepiscopo et episcopis omnes predictas litteras postulauit ut sicut petebat rex, qui dicebat illas litteras [nullas? de]bere esse de cetero postquam formam uestre pacis acceptauerat et iurarat, mihi penitus traderentur. Ipsi uero, dicentes se nullas habere litteras que ad pacis non facerent firmiter, retentis penes se aliis,¹ quas mihi nec reddere nec ostendere uoluerunt, sed uti eis p[ro] lubitu? p[ro]ponebant asserentes quod speciale mandatum quod habent mandato legationis mee derogat generali, ostenderunt

¹ Non risultano dai *Reg. Vatic.* nè d'altronde.

mihi quasdam uestras litteras continentes: Innocentius episcopus seruus seruorum Dei venerabilibus fratribus S. cantuariensi archiepiscopo sancte Romane ec[clesie] cardinali, W. lon]doniensi, E. helinensi, E. herefordensi et H. lincolinensi episcopis salutem et apostolicam benedictionem. Nisi presump[torum] temeritas puniretur nimis insolesceret audacia malignorum, qui nolentes inter fas et ^a nefas discernere, uicium pro uirtute ac uanitatem [pro ueritate sequuntu]r. Nos igitur, quibus iminet ex apostolice seruitutis officio errata corrigere et praua reducere in directa, per apostolica uobis scripta mandamus quatinus uiros ecclesiasticos qui Iohanni regi Anglie anathematis uinculo innodato minist[erium, consilium uel auxilium] prestiterunt in hiis que sunt ^a contra iusticiam et libertatem ecclesiasticam attentata, illosque qui ab eodem rege post excommunicationem uel ab aliis excommunicatis scienter per collationem uel presentationem ecclesiastica beneficia sunt ad[epti] et similiter [eos qui ob causas excommunicati pred]ictas excommunicationis sue tempore beneficia ecclesiastica receperint ¹ necnon ecclesiasticos uiros qui scienter excommunicatis ecclesiastica beneficia contulere; similiter clericos et uiros religiosos ² qui publice communicauerunt p[re]fat[o regi et] aliis [excommunicatis auctoritate apostolica nominatim in] casibus non concessis, ab officiis et beneficiis ecclesiasticis suspendatis donec se apostolico conspectui representent cum uestrarum testimonio litterarum plenam et meram continentium ueritatem, illis dumtaxat exceptis qui per sa[tisfacti]onem condig[nam ad mandatum ecclesie r]edierunt. Quod si non omnes hiis exequendis

¹ Le edizioni, 'receperunt'.

² Nel *Reg. Vatic.* 8 il testo è: 'sunt adepti et similiter clericos et viros religiosos qui publice comunicauerunt', ecc.

potueritis interesse, tres aut duo uestrum ea, appellatione remota, nichilominus exequantur. Datum Laterani nonis marcii pontificatus nostri anno sextodecimo. Ego autem uisis primis uestris litt[eris, que mand]ata certa continent et expressa, quia rex nolebat stare predictis terminis sibi datis, ad natale scilicet et ad pascha, et pars altera pro iamdictis uestris litteris se non posse relaxare aliquid asserebat, de assensu episcoporum nondum potui relaxare interdic[tum. Unde eg]o magna confusione conturbor cum dicatur ab omnibus: legatus iste qui habere dicitur plenitudinem potestatis, ad quid uenit cum relaxare nequeat interdictum, quod in aduentu legati sperabatur relaxari? Sane licet in forma u[estra dix]eritis ¹ quod rex de restituendis ablatis mobilibus et satisfactione dampnorum cautionem pararet, satisfaciendi tempore non expresso, nichilominus tamen ad instantiam partis alterius litteris et iuramento firmauit quod inde satisfaceret in duobus t[erminis, in] natali uidelicet et in pascha. Et cum in eadem forma contineatur 'hiis omnibus rite peractis per legatum uel delegatum nostrum relaxabitur interdictum', quamquam rex omnibus restituerit immobilia uniuersa ^a et ante determinatum a uobis tempus xii milia marcharum per manus predicti P. subdiaconi uestri archiepiscopo et episcopis soluerit memoratis et presterit, ut dictum est, de aliis cautionem, tamen archiepiscopus et episcopi interpretantes uestras litteras sicut uolunt, dicunt uos intellexisse cum dixistis 'hiis omnibus rite peractis', quod non relaxetur aliquatenus interdictum nisi prius omnia restituantur ad plenum. Sed alii contrarium sentientes dicunt quod cum non expresseritis tempus de restituendis ablatis mobilibus et satisfactione

¹ Veggansi le *Pacis et reconciliationis leges* in Migne, loc. cit., 774 s. Potthast, no. 4392).

dampnorum, postquam rex fecit alia et de istis prestiterit, ut ^a dictum ^a est ^a, cautionem, uoluistis relaxari ilico interdictum, maxime cum maiora hiis fecerit offerendo sancte Romane ecclesie se et sua. Preterea cum contineatur in forma uestra quod terminentur per legatum uel delegatum uestrum si que emergerint questiones, archiepiscopus et episcopi regem iurare fecerunt quod per archiepiscopum terminentur, pro quo super hiis non recurritur ad legatum. Denique licet ambe partes, ut dictum est, super relaxatione interdicti et amicabili compositione discordent, tamen nichilominus ratione preuia ^a processissem si tam super forma uestra pacis quam super predictis uestris litteris, de quibus omnibus diuersi diuersa sentiunt, intellexissem plenius mentem uestram. Quare uestre obnixè supplico sanctitati quatinus ad amouendam ambiguitatem omnimodam clare distincte et aperte per uestras litteras uestram mihi aperiatis de omnibus uoluntatem, mandantes ut non obstantibus litteris hactenus a sede apostolica impetratis rite procedere ualeam in predictis. Et quia difficile uidetur et durum quod clerici auctoritate litterarumstrarum suspensi ab officiis et beneficiis ecclesiasticis se uestro conspectui representent, nec per uestrum legatum possint a tanto itinere relaxari si condignam satisfactionem uoluerint exhibere, quid inde mihi liceat uestre peto sanctitatis oraculo edoceri.

Ultimo autem me adhuc apud Londoniam commorante rex qui accesserat uersus Douariam ad me rediens requisitus a me iterum de predictis, presentibus Wintoniensi, lincolinensi et herefordensi episcopis supradictis et magistro S. ¹ germano cantuariensis archiepiscopi, obtulit mihi quod paratus erat statim dare episcopis illa xv milia

¹ Simone Langton : v. *Dictionary of National Biography*, ed. cit., xi. 562 s.

marcharum, quas eis dare conuenerat in natali et ablata omnia que tam in scacario suo quam in camera eius uel ad ipsum quomodocunque deuenerant, penes me uolebat deponere et plenam securitatem parare quod depositum esset tutum, ita quod, relaxato ilico interdicto, per litteras suas et nuncios tam de ipso deposito et aliis ablatiis et sibi non assignatis quam de dampnis datis uestram uoluntatem requireret et mandatum uestrum de omnibus et per omnia obseruaret. Quod cum proposui predictis episcopis responderunt quod inde mihi respondere non poterant sine consensu et consilio aliorum quos predictum negocium contingebat. Super quo uigiliam beatorum apostolorum Simonis et Jude¹ eis prefixi terminum et mandaui ut ad me omnes accederent tractaturi mecum pariter de predictis. Sed ut uobis omnia clarius innotescant statim ad uos misi nuncium et presentes litteras quarum similes ad petitionem regis propter pericula uiarum per suos nuncios uobis deferendas concessi, iterata supplicatione deposcens ut, deuotione et simplicitate mea pensata, ita plene et clare de omnibus mihi dignemini respondere quod littere uestre nec glosulis egeant nec aliquam disputationem admittant et ecclesia Romana, que iam per Dei gratiam in Anglia triumphauit, in omnibus honorem debitum consequatur.

Unum autem sciatis, quod a pluribus fide dignis nobis proponitur assertiue, quod archiepiscopus et episcopi, nescitur qua intentione, relaxationem libenter² differunt interdicti, pro quo Anglia plusquam forte credatis affligitur et turbatur. Ad hec noueritis quod cum iusticiarius regni Anglie,² qui ad monitionem meam resumpserat

¹ Il 27 ottobre.

² Galfredo Fitzpeter: v. *Dictionary of National Biography*, ed. cit. vii. 192 s., ove la sua morte è fissata al 2 ottobre 1213, mentre Ruggero

signum crucis,¹ quasi ageret in extremis et de uita eius nullatenus speraretur, eum a labore peregrinationis absolui, receptis ab eo duobus milibus^a marcharum mittendis in subsidium terre sancte. Quod nisi tam caute fecissem et cito, nichil inde penitus habuissem, cum ante quam lator presentium iter arriperet expirauit.

Preterea cum illustri regi (sic) Anglie sum locutus de decem milibus marcharum promissis ab eo pro subsidio terre sancte,² de centum marchis quas in scacario suo uestro annuatim statuit hospitali³ ut satisfaceret de sub-

di Wendover, loc. cit., 91, e Matteo Paris, *Hist. Angl.*, loc. cit., 144, la collocano 'secundo idus octobris', cioè al 14 ottobre.

¹ Galfredo Fitzpeter 'croceseegnato' e non adempiente il voto, intervenendo a suo favore il re Giovanni (v. la lettera a papa Innocenzo del 24 novembre 1204 nelle varie edizioni dei *Foedera* del Rymer), fu oggetto di più lettere d'Innocenzo III: Potthast, nri. 1733, 2624, 3075. 'En 1213' il pontefice 'lança sur toutes les régions de l'Europe les légats et les missionnaires chargés de prêcher la prise de croix et de créer, à cet effet, une agitation formidable'; A. Luchaire, *Innocent III: la question d'Orient*, Paris 1907, 281. Gli *Annales de Dunstaplia* (*Annales monastici*, vol. iii, raccolta cit.), 40, informano che furono mandati in Inghilterra tre predicatori, 'qui cum privilegiis multis per se et coadiutores suos multos signauerunt ad honorem crucis, multa colligentes, et truncos per singulas ecclesias statuentes.' Cfr. *Memoriale fratris W. de Coventria*, loc. cit., 214.

² Non trovo altrove menzione di questa promessa.

³ L'ospedale di S. Spirito in Sassia, di cui gli *Annales de Waverleia*, loc. cit., 280, scrivono: 'Innocentius III Papa hoc anno [1213], constituit domum hospitalem in urbe Roma, quam Hospitale Sancti Spiritus appellari fecit, in loco ubi quondam peregrinantibus de Anglia domicilium erat aedificatum, et Anglorum Schola dictum, eamque ditauit opibus, et redditibus, et ne quid ei deesset, misit praedicatores cum literis suis tam per Angliam quam per alias terras, ut ex largitione diuitum, et donatione mediocrium magis ac magis ad omnem copiam abundaret.' Ma veggasi A. de Waal, *I luoghi pii sul territorio Vaticano*, Roma 1896, 32 ss. Il Re Giovanni si era obbligato a pagare le cento marche il 25 marzo 1204. V. l'atto, confermato da Onorio III il 3 gennaio 1218 (Potthast, no. 5659; P. Presutti, *Regesta Honorii Papae III*, no. 967), in O. Raynaldus, *Annale*

tractis et aliquam ecclesiam ei daret que ualeret tantumdem uel amplius omni anno. Suasi etiam ei ut centum quinquaginta marchas singulis annis statueret in aliquo certo loco ad opus monasterij sancti Sixti,¹ de quibus omnibus, presentibus ^a Wintoniensi ^a episcopo ^a et ^a magistro ^a P.^a subdiacono ^a uestro ^a mihi bonum dedit responsum si Deus ei dederit plenam pacem. De mille marchis uobis et quingentis cardinalibus a bone memorie archiepiscopo Eboracensi legatis ² nondum potui habere aliquid ab executoribus testamenti, licet cantuariensis archiepiscopus executorem se confessus fuerit testamenti. Propter quod bonum esset ut uos eidem archiepiscopo dirigeretis super hoc specialiter ^a scripta uestra, qui mihi inde deberat (sic) respondere. Et quia difficile esset cuncta uobis per litteras intimare, cum multe et uarie sunt circumstantie et grauia que mihi omni die occurrunt, in ore latoris presentium G. canonici Anagnini fidelis uestri ³ posui uerba mea, qui uobis referet uiua uoce, pro

ecclesiastici ad a. 1204, no. 78 (77 nelle edizioni di Mansi e di Theiner). Il *Liber annualium* di S. Spirito in Saxia (*Necrologi e libri affini della provincia romana a cura di P. Egidio*, I, Roma 1908, 109-165 [Istituto storico italiano: Fonti per la storia d'Italia]) sotto il 20 ottobre (154) nota: «Ob. regis Iohannis de Anglia, qui dedit eccl. Omnium Sanctorum cum capella S. Nicholai et pertinentiis suis de Wirtelis». Raynaldus stampa 'Gritile'; Presutti col *Reg. Vatic.* 9 'Writele'. Cfr. Bliss loc. cit. ai nri. indicati sotto 'Writtle' a p. 704 nell'indice.

¹ S. Sisto vecchio, che alla fine del 1217 o al principio del 1218 (*Miscellanea dominicana*, Romae 1923, 2) verrà dato a S. Domenico. Secondo il cit. supplemento dei *Gesta* Innocenzo III erogò 'ad constituendum aedificia sancti Sixti, ad opus monialium, quinquaginta uncias auri regis'.

² Galfredo figlio naturale di re Enrico II e quindi fratello naturale di re Giovanni, morto esule nel 1212; v. *Dictionary of National Biography*, ed. cit., viii. 1018 ss.

³ Dai libri stampati non ho potuto stabilire chi sia questo 'fidelis' d'Innocenzo III, canonico d'Anagni; nel 1237 s'incontra un *Gregorius*

quo supplico uobis ut benigne recipiatis et audiatis eundem, uerbis eius fidem debitam adhibentes. Ad hec autem sciatis quod postquam intraui Angliam ab utraque parte, tam a rege uidelicet quam ab episcopis, P. subdiaconum uestrum audiui plurimum commendari quod circa negocium sibi a uobis commissum fideliter se habuit et attente. Datum apud Westmonasterium xii kalendas nouembris.

dictus Rubeus, canonicus Anagninus, Parisiis commorans (Les registres de Grégoire IX publiés par L. Auvray, ii. 688, no. 3747), ma sarà la stessa persona ?

ROGER BACON ON ALPHONSE OF POITIERS

THE object of the following pages is to call attention to a curious notice by a contemporary writer of the medical treatment adopted in the case of Alphonse, Count of Poitiers and of Toulouse, the brother of St. Louis, who is known to students of the history of France in the thirteenth century to have suffered from some kind of paralysis, and also from an affection of the eyes. The writer in question is no less celebrated a person than Roger Bacon, and his reference to the matter is to be found in his commentary on the pseudo-Aristotelian *Secretum Secretorum*, recently published for the first time in print by Mr. Robert Steele.¹ That Alphonse of Poitiers, although not named by Bacon, is the person indicated in the passage which I shall quote, I suggested in a notice of Mr. Steele's edition which appeared in the *Classical Review* for August–September 1921.

Before examining the passage in Bacon it will be convenient to state briefly what is known from other sources respecting Alphonse of Poitiers' maladies. Matthew Paris, in his *Chronica Maiora*, under the year 1252 (ed. Luard, v. 354), tells us that Alphonse was at that date suffering from a disease which the historian describes as incurable. Yet we find him afterwards taking an important part in public affairs and going eighteen years later with his brother the king on a crusade to Africa, where

¹ *Opera hactenus inedita Rogeri Baconi*, Fasc. V, Oxonii, 1920. See pp. 105, 106.

he died. In his work on *Saint Louis et Alphonse de Poitiers* ¹ the late M. Edgar Boutaric gives us from unpublished documents some further information about the prince's complaint. A letter from his chaplain to the invalid's royal brother, found by Boutaric in the *Trésor des Chartes* (I. 320, nos. 94, 95), describes it as paralysis. It did not however prove to be the *morbis incurabilis* that Matthew Paris supposed it to be; for it yielded, we are told, to medical treatment, although it left painful traces behind it. Of the treatment employed and of the practitioners who employed it Boutaric tells us nothing; it would be interesting to ascertain whether a further examination of the documents which he had before him would supply any additional details. It appears that, besides his paralytic attack, Alphonse was afflicted also by ophthalmia. The remedies for this ailment prescribed by the French surgeons proved unsuccessful; and the count, having heard from his vassal the Sire de Lunel of a Jewish physician named Ibrahim, who had come from the land of the Saracens but was now settled in Aragon, where he had made a large fortune by trade, desired to place himself under his care, despite the canonical prohibition ² of any resort to Jews for medical advice. Ibrahim, however, was unwilling to risk himself in France, where he knew that persons of his persuasion were exposed to outrages from which he was safe in Aragon; and the Sire de Lunel was obliged to content himself with sending two Jews from his own territories to describe the count's symptoms

¹ Paris, 1870. See pp. 86 foll.

² See Gratian, *Decr.* Pt. II, c. 28, qu. 1. The prohibition had been lately re-enacted in France by the Council of Beziers, 1246, can. 43 (Mansi, *Conc. Nov. Coll.*, t. xxiii, col. 702), and was repeated by the Council of Albi, 1254, can. 69 (Mansi, t. xxiii, col. 852). See Basnage, *Histoire des Juifs*, ix. 430.

to the learned infidel. On hearing their report, we are told, the latter undertook to cure the patient, should he be able to distinguish blue from green or to recognize very small objects at a short distance. The document in which these particulars are related is dated May 1253; and Boutaric found nothing in the records examined by him to acquaint us whether or no anything more came of the consultation.

We will now turn to Bacon's commentary on the *Secretum Secretorum*. This apocryphal treatise, which lays claim to a Greek original, and probably existed in Syriac, whence it was translated into Arabic, in which language the earliest forms of it now extant are written,¹ purports to contain the instructions given by Aristotle to Alexander the Great in the care of his health and the due discharge of his kingly duties. Certain of these instructions concern the preparation of a wonderful medicine, 'the treasure of the sages', called in the Arabic by a name translated in the version, made by Mr. Ismail Ali and edited by Mr. Fulton of the British Museum, which Mr. Steele has printed with his edition of Bacon's commentary, 'the guard', but rendered in the Latin version used by Bacon as *gloria inestimabilis*.² This is described as consisting of eight medicines, each directed to the strengthening of some particular organ or organs of the body, prepared in a 'honey' and then all compounded together with the addition of certain precious substances (amber, musk, pearls, and precious stones). Roger Bacon (although some, aware of the reputation which he has long enjoyed of being among the great Schoolmen the one best, if not alone, deserving of the respect of a modern scientific

¹ See Mr. Steele's Introduction, pp. x-xiii.

² Ed. Steele, pp. 98 foll. Cp. pp. 212 foll.

investigator, may be surprised to learn it) is pre-eminent among the doctors of the thirteenth century for his credulity in the matter of wonders to be wrought by means of a knowledge of the mysterious properties of natural substances, whether animal, vegetable, mineral or stellar. The medical prescriptions of pseudo-Aristotle, handed down, as they were said to be, from ancient sages such as Aesculapius and Hermes Trismegistus, if not from the first father of mankind himself, were things of precisely the kind likely to impose themselves upon his romantic imagination. Accordingly we find him commenting as follows upon the formula for the *gloria inestimabilis* (to which he had already called his readers' attention in his introductory treatise ¹):

'In this twenty-eighth chapter we must take notice of the Arabic names'—that is, of the names of certain ingredients in the case of which the Latin translator had not attempted to give Latin equivalents—'since almost all of them are of doubtful signification, and so numerous specimens should be obtained; skilled apothecaries and physicians know and are acquainted with them, since names of this kind are found in their books.' (The point of this remark I take to be that, while the lay reader of the chapter would probably be at a loss to interpret these Arabic names, the pharmacological tradition would enable those engaged in medical practice to identify the substances intended.) 'Moreover,' Bacon goes on, 'it is to be observed that in this great chapter, the twenty-eighth, the author instructs us in all the ingredients necessary for the preparation of that best of all remedies which is called *gloria inestimabilis*. First he states the composition of the honey which he afterwards uses, and next gives the rule

¹ *Ibid.*, p. 23.

for making the eight particular medicines out of which all taken together along with the previously prepared honey one single medicine is compounded. Now this single medicine is the *gloria inestimabilis*, which a skilful and experienced physician might readily make up if he were rich. But only a very few, if any, physicians use this book; whence the world suffers infinite loss in respect of good rulers spiritual and temporal (*propter bonos prelatos et principes*)—whom, it is implied, the world might more often enjoy, were the medical advisers of those in positions of authority to treat their patients according to the rules laid down by Aristotle for his illustrious pupil. ‘For’, Bacon continues, ‘by means of this medicine life is prolonged to the utmost limits prescribed by God to human nature, since it prevents all infirmities and, in the case of bad constitutions, reforms them (*malas complexiones reducit ad statum bonum*) and cures all infirmities’—that is, when they are already in existence. ‘For I have seen a physician of great skill who cured the prince in France that was the greatest next to the king, a man covetous, mean spirited, depressed, melancholy, feeble, and burdened by many other defects physical and mental; and he became extremely generous, cheerful, and free from all diseases that arise from melancholy, and from all defects of body and mind whether natural or moral. And if the reader of this chapter be ignorant of the science of medicine, let him not therefore neglect it, but let him ask trustworthy and skilful apothecaries and likewise physicians of eminence and learning and of much skill and experience to show him and instruct him in all the matters which are contained therein. And, if he be rich, he will be able to take pains to have this medicine made up by the most learned physicians and

the most skilful apothecaries. If they excuse themselves on the ground that the substances required are not to be had in England, they may be found in the great fairs of France or at Montpellier.' (Montpellier was at that time the principal seat of medical science north of the Alps.)

'It should be known that the above-mentioned very learned physician who cured the aforesaid prince by this medicine added thereto a bone from the heart of a stag and also *anthos*¹ which is the flower of rosemary; which *anthos* is of wonderful efficacy against the diseases which are due to old age and against those which are due to melancholy. And, if my memory serves me, he added pills made of viper's flesh, prepared from carefully chosen specimens and unadulterated (*trociscos tyri serpentis*² *electos et non sophisticatos*).'

Now Bacon's *maior princeps in regno Francis post regem* can scarcely be any one else than Alphonse of Poitiers. Bacon's commentary on the *Secretum Secretorum* was certainly not completed at any rate until some years later than 1264, since it contains an allusion to a comet which appeared at that date and to the *turbaciones mundi* which marked the years that followed its appearance. The reference to Alphonse makes it probable that that prince

¹ The Greek word for *flower* in general was in the middle ages and later appropriated to rosemary as the flower *par excellence*. English instances will be found in the *N. E. D.*

² By *serpens thirus* or *tyrus* ('poisonous snake', apparently from *θηρίον* which had in late Greek come to be used especially of venomous reptiles) medieval Latin writers generally understood the viper, the only poisonous snake which is common in Europe (cf. pseudo-Galen *de anatomia vivorum* in the volume of *Spurii libri* included in the Venice edition of 1556, p. 53 A). The flesh of the viper was held to be a necessary ingredient in the preparation of an antidote against its bite (*θηριακόν*, *triaculum*, treacle). Galen, *ad Pisonem de Theriaca*, c. 15 (ed. Kuhn, xiv, p. 276), says that such antidotes are of service in cases of partial paralysis.

was already dead when it was published, and his death took place, as we have seen, in 1270. If so, the philosopher's mention of his cure must be dated at least eighteen years later than the event referred to; but it must be borne in mind that at the time of the cure Bacon was resident in Paris, and, however ill-informed he may have been, and however inaccurate his recollection in 1270 or later of what he had been told in 1253, any correspondence which may be noted between his account and what we otherwise know of the facts is worth recording.

In the first place it does seem to be true, from the statement of Matthew Paris, that Alphonse suffered in 1252 from some form of paralysis which was generally regarded as incurable; and that he was, notwithstanding, so far cured in 1253 or very shortly after that he was able for many years to govern effectively his own extensive domains and to take a prominent part in the affairs of the kingdom as a whole. Such a cure may well have made a considerable impression on the popular mind and have provoked in scientific circles a keen interest in the treatment adopted by his physicians. If it seemed to such a man as Bacon reasonable to seek for guidance in medical practice from a treatise which he did not doubt to be from the pen of the great master of ancient knowledge, there is nothing incredible in the supposition that a contemporary physician called in to prescribe for a royal patient should actually have consulted that treatise, expressly intended as it was to suggest rules for the care of a great king's health. Nor is it by any means impossible that the prescriptions in the twenty-eighth and following chapters may have proved in certain respects efficacious. It is true that, in the judgement of the eminent pharma-

cologist Professor J. A. Gunn, who has kindly allowed me to question him on the matter, they contain 'nothing which has any pronounced or even very direct effect on either paralysis or ophthalmia', the two ailments from which Alphonse is reported to have suffered. But, on the other hand, the general advice on the maintenance of health given in the *Secretum Secretorum* is, so Professor Gunn tells me, very sound and with such remedies as those which go to make up the *gloria inestimabilis* 'much could be done to cure and to maintain health'. Most of the ingredients of that medicine are in common use still. 'The eight prescriptions', Professor Gunn writes, 'contain mainly three types of pharmacological agents: (1) purgatives, like cassia fistula, and aloes, grapes, sugar, honey, rhubarb, tamarind; (2) essential oils which relieve flatulence and colic, e. g. cloves, marjoram, cinnamon, nutmeg, lavender, aniseed; (3) essential oils which are ordinary antiseptics, like copaiba and sandal wood.' One need not suppose that any beneficial result was contributed to by the stag's heart or the viper pills by adding which to the venerable prescriptions of the *Secretum Secretorum* the thirteenth-century physician avoided the reproach of doing no more than follow the instructions even of the most celebrated sages of antiquity.¹ The substances which Professor Gunn enumerates would, he points out, tend to the cure of constipation and attendant evils, which are supposed to have been even more prevalent and serious in former ages than now 'partly as less was known in regard to proper diet and also as there were less facilities for regular attendance upon the calls of nature'. Thus the *gloria inestimabilis* may quite con-

¹ But note the statement of Galen quoted in the previous note concerning the use of antidotes in cases of partial paralysis.

ceivably have helped to bring about a general improvement in a patient to whom it was administered, and to cause the disappearance of characteristics due to the loss of tone and depression of spirits consequent upon derangement of the digestive functions.

It is to be observed that Bacon affirms the prince whose cure he ascribes to the use of this medicine to have exchanged not only a melancholy for a cheerful but a covetous for a generous disposition. Now there is no doubt but that there was a noticeable contrast between some of the most conspicuous actions recorded of Alphonse of Poitiers during the years immediately preceding his illness and the general tenor of his later conduct, especially in relation to the Church. On his succession in 1249 to the county of Toulouse in right of his wife, the cupidity and obstinacy which he exhibited in getting his father-in-law Raymond VII's will upset on technical points of law so as to obtain the control of funds which the testator had designed for the endowment of various pious objects¹ can hardly but have given him an evil reputation for avarice among those interested in such objects. But in his later career he showed himself on the whole a liberal benefactor to the Church and a zealous supporter of crusading enterprises. He carried out a provision of the will which he had otherwise refused to respect by sending forty knights to the crusade.² He is said to have refused in 1264 to accede to a proposal by Pope Urban IV that he should renounce the project (which was put forward as a crusade) of conquering from the excommunicated Manfred the kingdom of Naples for his brother Charles of Anjou to whom it had been offered by Urban himself; and when Urban's successor,

¹ Boutaric, pp. 83 foll.

² *Ibid.*, p. 88.

Clement IV, took up Charles's cause, to have granted the Pope at once a large subsidy and given a promise of more 'though he should have to go to the money-lenders for it';¹ a promise which he redeemed by collecting very large sums for the purpose.² He made many donations to churches³ and in particular encouraged the recently founded mendicant orders; his gifts to Bacon's own order, the Franciscan, were considerable.⁴ These facts would sufficiently explain the prevalence in the circles whose views would be best known to Bacon of a belief that Alphonse had been transformed somewhere about the period of his recovery from paralysis from an ungracious and money-loving churl to a bountiful patron of good causes; the *post hoc* would be naturally enough interpreted as a *propter hoc*; and that possibly not altogether without justification, since an improvement in health and spirits might well display itself in a new readiness to adopt a generous and enterprising line of action.

Bacon's story does not seem to preserve any recollection of the ophthalmia which subsequently led Alphonse to seek help from the Jew Ibrahim. None of the medicines which compose the *gloria inestimabilis* are said by the author of the *Secretum Secretorum* to benefit the sight; and nothing is said by Bacon which implies that the prince was a sufferer in this respect. One would have expected him, if he had attributed the cure to a physician from beyond the Pyrenees, to dwell upon the greater skill and familiarity with ancient wisdom to be found there than in countries nearer at hand.

¹ Boutaric, p. 114; Molinier, *Correspondance administrative d'A. de P.* (Paris, 1900), 2052 (t. ii, pp. 566, 567).

² Boutaric, p. 115.

³ *Ibid.*, p. 458.

⁴ *Ibid.*, pp. 459, 460.

In conclusion we may, I think, say that, while it would be imitating the credulity of the *Doctor mirabilis* himself to accept his account of the matter as it stands on his mere authority, it may be reasonably conjectured that his statement is based upon facts which we may perhaps reconstruct somewhat as follows. Alphonse of Poitiers was, we may suppose, stricken by a paralytic affection which was generally believed to be incurable. He was attended by a physician who boasted that his treatment was in accordance with the principles laid down (as was believed) by the most famous philosopher of antiquity for the benefit of its greatest captain. The remedies prescribed were, like those composing the *gloria inestimabilis*, such as would tend to the cure and subsequent prevention of constipation, thereby securing what is still regarded as one of the most important objects to be aimed at in the treatment of any kind of paralysis.¹ The paralytic symptoms passed away, and a general recovery of bodily and mental tone took place. It was subsequently remarked that the Count of Poitiers and Toulouse never again displayed the uncharitable greed for money which had been notorious in the case of his father-in-law's will; but had by his expenditure on the crusade against Manfred and by his benefactions to churchmen obtained in ecclesiastical circles a reputation for the opposite virtue.

Whatever, however, may be the value of these suggestions, it is at any rate desirable that in any future research into the history of Alphonse, this contribution from an unexpected quarter should not be left altogether out of account.

CLEMENT C. J. WEBB.

¹ See Sir Frederick Mott's article on 'Paralysis' in *Encycl. Brit.*, 9th ed.

THOMAS DOCKING AND HIS RELATIONS TO ROGER BACON

FR IAR Adam Marsh possessed to a remarkable degree the gift of understanding and encouraging the special aptitudes of his pupils. In 1245 he writes from Lyons to the provincial minister to send him 'the chapters of the Metaphysics which the beloved brother in Christ Thomas of York had'.¹ About 1253 he writes to the provincial minister asking him to assign the Bible of the late beloved P. of Worcester to the use of Friar Thomas de Dokkyng, who was distinguished by good morals and pleasant manners, a clear head, great learning, and ready eloquence.² Thomas of York spent the rest of his life working at metaphysics, and left unfinished at his death (c. 1260) the most independent and most systematic treatise on metaphysics which the scholastic age produced.³

¹ *Mon. Franc.* i. 378: the reading is 'capitula philosophie prime que habuit', &c., not (as Brewer) 'capitula Prophetiae Primae quam habuit'. On p. 395 Brewer's reading given in the note, 'Mittit vobis (fratri Thomae de Eboraco) frater Laurentius quaternos matris philosophie', is correct. The explanation of the phrase is given in an anonymous commentary on the mythologies of Fulgentius, sometimes ascribed to Fr. Johannes Redovallensis, in MS. Royal 7 C I, f. 309 '... rabimosse in libro quem vocavit matrem philosophie', followed by a quotation from Maimonides' *Guide for the Perplexed*.

² *Ibid.*, pp. 359-60. Adam adds 'Insuper non desunt qui de pretio libri memorati cumulatius, ut audio, satisfaciant'. P. of Worcester is not described as 'frater' and was evidently a secular.

³ Martin Grabmann, 'Die Metaphysik des Thomas von York', in *Festgabe zum 60. Geburtstag Clemens Baeumker* (Münster i. W. 1913), pp. 181-93: 'Wir haben hier eigentlich die einzige grosse Darstellung des Systems der Metaphysik aus der Ära der Hochscholastik vor uns' (p. 191). Manuscripts are in Bibl. naz. Florence, conv. soppr. 437 A. 7

Thomas Docking spent most of the rest of his life commenting on the Bible.

Thomas Docking was born at Docking in Norfolk, and was called Thomas Good according to a note of the early sixteenth century in a manuscript of his commentary on Deuteronomy.¹ He was seventh lector to the Friars Minor at Oxford, succeeding John of Wales and preceding H. de Brisingham,² and must have been regent master in theology for two or three years between 1260 and 1265. He had ceased to be regent master in 1269, but was still at Oxford, and took part in the controversy on poverty between the Friars Preachers and the Friars Minor of Oxford in that year.³

The following commentaries by him are preserved in a more or less complete state:

Deuteronomy. *Inc.* 'Legitur Exodi 26 quod dominus iussit fieri in introitu tabernaculi quinque columnas lignorum sethim.'

MSS. Brit. Mus. Royal 3 B XII, 189 ff., s. xiv (*Inc.* 'Legitur Exodi 16 g.', &c.).

Oxford Balliol College 28, 257 ff., s. xv ('Finitur per manus Tielmanni filii Reyneri Almanni oriundi in monte Sancte Gertrudis [Gertruydenberg] in Hollandia a. d. m° cccc° xliij° in profesto s. Gertrudis').⁴

(formerly at Santa Croce), and Vat. lat. 4301 and 6771. An edition was being prepared by Fr. P. Minges, O.F.M.; his death early this year (1926) may delay publication indefinitely.

¹ Royal 3 B XII: 'Liber magistri Thome Gude i.e. bonus, doctoris sacre Theologie Oxonie et Ordinis Minorum, vocati Dochying eo quod natus fuit in villa vocata Dochying.'

² In the list of Cambridge masters he appears as '13^{us} frater T. Brisingham sed incepit Oxoniae', Eccleston (ed. Little), p. 72.

³ Little, *Grey Friars in Oxford*, pp. 324, 325, 326, 335.

⁴ The three Balliol MSS. 28, 29, 30, seem to have been written by

Lincoln Cathedral Library 5 (A. 1. 17), 144 ff., s. xv
(‘Postille Magistri Thome [Docky]nges super
Deut.’ *Inc.* ‘Legitur Exodi 16 quod dominus’,
&c.: ‘Explicit tractatus super Deuteronomii’).

Dublin, Trinity College 204, s. xv.

Oxford Bodl. 2403 (Bodley 453), ff. 57–90, s. xv in.
(*Inc.* ‘Non habebis deos . . . Hoc est in corde.’
‘Explicit expositio Fratris Thome Dockyng super
preceptis decalogi secundum formam textus deuterono-
mii quinti’)—apparently an extract.

Isaiah. *Inc.* ‘Habemus firmiorem . . . 2 Pet. i. In hiis
verbis nos reddit apostolus.’

MSS. Oxford, Balliol College 29, 161 ff., s. xv
(‘Dokking super Esaia’ in a later hand. Be-
ginning missing: ends in cap. 26, with the marginal
note: ‘Hic huius operis vix habetur medium’:
over ‘vix,’ another hand has written ‘non’).

Cambridge, Caius College 270, 178 ff., s. xv (Anon.
The text so far as examined¹ agrees with the Balliol
MS. ‘Quod Bredon’, probably the scribe’s name.
This MS. contains the whole commentary).

St. Paul’s Epistles:

Galatians. *Inc.* ‘Epistole Pauli ad Galathas premittitur
argumentum.’

MSS. Oxford, Magdalen College 154, 30 ff. (‘Expo-
sitio doctoris Thome Dockyng fratris minor. super
prolegom. apostoli ad Galathas.’ Ends in cap. iv.

the same scribe, though his name occurs only in 28. MS. 29 is unfinished,
and the end of MS. 30 is missing. The volumes are of great size, and
have illuminated initials with much gold: some of these have been cut
out. They were presented to the College by William Gray and probably
made by his order.

¹ Professor Okey kindly looked up a number of passages which I sent him.

13, 'quem ordinem docet apostolus Ro. xii nulli malum pro malo reddentes').

MS. Oxford, Balliol College 30, ff. 1-48, s. xv (Beginning missing; begins in cap. iv. 8, '[confor]mes portantes ymaginem').¹

Ephesians. *Inc.* 'Ephesii sunt Asiani. Epistole Pauli ad Ephesios premittitur argumentum in quo describuntur.'

MS. Oxford, Balliol College 30, ff. 48-114^v ('Explicit lectura h. M. et d. Dockyng super epistola ad Ephes.').

Philippians. *Inc.* 'Philipenses sunt Macedones. Aliqui libri non habent istud i. e. Greci.'

MS. *ibid.*, ff. 114^v-46.

Colossians. *Inc.* 'Collocenses et hii sicut laodicenses sunt Asyani . . . Epistole Pauli ad Colocenses premittitur argumentum in quo describuntur.'

MS. *ibid.*, ff. 147^v-178^v ('Explicit explanacio epistole ad Colosenses').

Thessalonians. *Inc.* I, 'Thessalonicenses sunt Macedones. . . . Epistole prime ad Thessalonicenses premittitur argumentum.'

MS. *ibid.*, ff. 178^v-218^v ('Et in hoc finitur explanacio 2^e epistole ad Thess. secundum ven. M. Thomam Dockynge').

Timothy. *Inc.* I, ['Timotheum instruit et docet de epis.'].² *Inc.* II, 'Item Timotheo scribit . . . se-

¹ The Magdalen MS., though it contains almost exactly the part missing in the Balliol MS., did not form part of the latter, as notes kindly supplied me by the Rev. F. E. Brightman prove.

² The beginning is missing in the Balliol MS. and supplied from Bale, *Index*, p. 436; but Bale gives only the incipit of the *glossa ordinaria*.

cunde epistole ad Timotheum premittitur argumentum in quo tanguntur quinque.'

MS. *ibid.*, ff. 219-99^v ('Explicit explanacio epistole secunde ad Timotheum secundum ven. Magistrum Dockyng').

Titus. *Inc.* ['Titum commonefacit', &c.].¹

MS. *ibid.*, ff. 296^v-322^v (*Expl.* 'voluisset. Explicit explanacio', &c.).

Philemon. *Inc.* 'Philemoni familiares litteras misit . . . (cap. i) Incipit epistola Pauli ad Philemonem que dividitur in partes tres.'

MS. *ibid.*, ff. 322^v-30 ('Explicit explanacio', &c.).

Hebrews. *Inc.* 'Multipharie. Incipit epistola ad Hebreos circa cuius initium quatuor sunt inquirenda.'

MS. *ibid.*, ff. 330-409, ending incomplete in cap. xi.

Extracts from three other commentaries which are now no longer extant or have not been identified are found in a fourteenth-century manuscript, which was at Oxford in Bale's time, but is now in the Bibliothèque nationale at Paris—MS. lat. 3183.² The Docking extracts occupy ff. 169^v-73 and 178^r-82^v, and deal with Corinthians, Luke, and Job.

1. Fol. 169^v is headed: 'Dockyng ad Cor.' *Inc.* 'Non misit me baptizare set ewangelizare. Queritur utrum excellencius sit predicare an baptizare.' The texts commented on are 1 Cor. i. 17, 18.

2. Fol. 170^r has in the lower margin 'Questio Dockyng super Lucam', and ff. 171^v, 172^v, 173^r have in the top margin 'Dockyng super Lucam'.³ There are several

¹ *Ibid.*

² I desire to thank Monsieur Henri Omont for procuring me rotographs of this MS.

³ Bale gives three incipits for the commentary on Luke:

questiones, the first beginning: 'Utrum tot homines salvarentur si omnes angeli stetissent sicut modo salvarentur.' It may be noted that this question is discussed in almost the same words in the commentary on Deut. xxxii. 8, 9 (MS. Royal 3 B xii, ff. 166^v-7). The extracts from Luke occupy ff. 170^r-3^v, ending with the words 'nemo mittens manum suam ad aratrum, etc.'. They are followed on the same page by a 'Questio Magistri Walteri Burley'.

3. Fol. 178^r is headed 'Questio Dokkyng in fine postill' (rest cut off), and at the bottom of f. 182^v is the colophon: 'Dokkyng in fine postille super Job habet istas questiones. Amen.' Four questions are given, the first being: 'Queritur utrum status prosperitatis beati Job cum virtutibus fuerit altior coram deo . . . quam status paupertatis . . .' Bale evidently knew only this fragment; Thomas Gascoigne probably knew the whole commentary, which he calls 'opus egregium'.¹

Docking probably wrote a commentary on the Epistle to the Romans, but of this no trace has yet been found.² On the other hand the anonymous 'Lectura super Apo-

1. 'Fuit in diebus Herodis etc. Terminato prohemio incipit tractatus Euangelii', *ex regine collegio Cantabrigie*. This is the copy mentioned in the catalogue of 1472 (see Camb. Antiq. Soc. ii, no. 15).

2. 'Fluvius egrediebatur de loco volup[tatis].'

3. 'Non misit me baptizare, sed.' This is the incipit of the extracts on Corinthians in Bibl. Nat. lat. 3183.

¹ Wood, *City of Oxford*, ed. Clark, ii. 367. See Gascoigne's Dict. Theol. in Lincoln Coll. MS. 117, which I have not examined for this purpose. Thorold Rogers' extracts in *Loci e libro veritatum* (1881) contain no references to Docking.

² The fragment on Romans in MS. Royal 4 B xiii, f. 105, is not unlike Docking, but is probably not by him but by some one who had come under the same influences. This remark applies also to the fragment on Luke in the same MS. (f. 76).

calypsin' in Balliol College MS. 149, ff. 107-92^v, to which a fifteenth-century note, 'Numquid est Dokyng super Apocalipsin', is prefixed, does not bear any evidence of Docking's style.

Besides the biblical commentaries, several lost or unidentified works are attributed to Docking on good authority. 'In posteriora Aristotilis', attributed to him by Bale *ex opere Thome Gascoigne atque ex fenestris Minoritarum Londini*, is rather doubtful. There is better authority for his lectures on the Sentences. 'Dokkyng super sententias' is no. 243 in the fourteenth-century catalogue of the Austin Friars Library, York¹ (inc. fol. 2, 'Est tandem'), and Leland² mentions the work on the authority of the catalogue of illustrious Franciscans. The old index to the *Catalogue of the Library of Syon Monastery*³ mentions 'Dokkyng ordinis minorum in suis correctionibus super sacram scripturam abbreviatus N. 27, fo. 107', but the work does not occur in the catalogue itself.⁴

This article is based on an examination of the following manuscripts: Royal 3 B XII (Deuteronomy); Balliol 29 (first part of Isaiah); Balliol 30 (Epistles of St. Paul);⁵ Bibl. Nat. lat. 3183 (extracts). The prodigious length of the commentaries, however, precluded an exhaustive examination. Thus the commentaries on St. Paul's Epistles, from Galatians to Hebrews, at present fill 409

¹ Ed. M. R. James, in *Fascic. J. Willis Clark dicatus*, 1909.

² *Scriptores*.

³ Ed. Mary Bateson, 1898 (p. 221).

⁴ Tanner (Bibl. 230) mentions *Tabulam super grammaticam* Docking MS. Linc. Cathed. F 18; the work does not appear to be there now, Canon Woolley informs me.

⁵ I wish to record my thanks to the Master and Fellows for allowing me to have these two Balliol MSS. at the British Museum for several months, and also MS. 149.

leaves. From the remaining signatures it appears that the first forty leaves are missing; a few others in the body of the volume and an unknown number at the end are also wanting. When complete the volume must have contained at least 1,000 pages: each page measures nearly 18×12 inches, with double columns, and an average of about fifty-five lines to a column. One can only wonder that the scribe got three-quarters of the way through before ejaculating 'Maria hilf!' ¹

Docking was not among the doctors honoured with scholastic epithets. A suitable title for him would have been 'Doctor solidus et prolixus'. His prolixity is due to the method which he followed, and partly also to a determination to make his meaning plain to the slowest minded of his auditors. Of the solidity of his learning there can be no doubt. The classical writers whom he quotes are (apart from Cicero) chiefly poets—Horace, Juvenal, Lucan, Ovid, Vergil, Persius. Many verse quotations are anonymous ² and of medieval origin. The only medieval poet he mentions by name is Bernard Sylvester. His knowledge of Plato is, as usual, confined to the

¹ Balliol MS. 30, f. 309^v.

² I think he sometimes attempts variations of his own. Thus on Deut. iv (3 B xii, f. 18) he quotes on the uses of adversity:

Pulsat non frangit, impellit non movet, angit
Nec quatiens deicit homines tribulatio iustos:

and goes on: Adversitas informat complanando, et hoc per pacientie lenitatem sicut carduus explanat pannum. Vnde est illud:

Carduus explanat pannos, tribulatio iustos.

[And] Sidera clarificat nox et tribulatio iustos . . . ex hic dictis potest colligi:

Quod fornax auro, quod lima ferro et prelum botro,
Quod carduus panno et malleus vase precioso,
Quod nox astro, hoc dat tribulatio iusto.

The last three lines are probably Docking's own.

Timaeus of Chalcidius. There are frequent references to the physical works of Aristotle and a few to the *Metaphysics*. Seneca and Boethius are often quoted, Ptolemy and Pliny occasionally. Plotinus he probably knew only second hand. He was well acquainted with Dionysius 'et sui expositores'. The list of ecclesiastical writers used—from Origen and Basil to Bernard of Clairvaux and the Master of the Sentences—would be too long to give. Among later writers may be noted 'Policraticus' (i. e. John of Salisbury) and Alexander Nequam, Bartholomew, bishop of Exeter, *de prescientia Dei* (an unusual book), the canonists Goffred and Raymund, William of Auxerre,¹ and 'Lincolniensis'. The latter (Grosseteste) is referred to less frequently than one would have expected and no works of his are mentioned by name. It is disappointing to find no expressed allusion to Adam Marsh. The *De proprietatibus rerum* of Bartholomew (Glanville) is not mentioned. Docking uses instead of this 'the book called Angelus', which seems to have been a more elementary treatise of the same kind.²

Some medical writers are quoted, such as Constantinus 'in Panthegni' and Isaac 'in dietis'. References to the Arabians are rare: one finds the names of Avicenna, Averroes, and Algazel. A writer frequently quoted is 'Rabimosse', i. e. Rabbi Moses or Maimonides, who was read a good deal at Oxford at this period; thus Thomas of York,³ Richard of Cornwall in his lectures on

¹ 'Autiss'. e.g. Philippians i (Ball. 30, ff. 122^v, 123^v, 124^v).

² There was a copy at Durham in 1395: *Catal. Vet. Eccles. Cath. Dunelm.* (Surtees Soc.), p. 54. It is probably the short treatise—a kind of summary of Bartholomew—in MSS. Laud. Misc. 112, f. 87^v, Bibl. Nat. Paris 445, f. 95, and 11207, f. 54, Rouen 27, beginning 'Angelus purus natura.' See *Hist. lit. de la France*, xxx. 385.

³ *Festgabe z. 60. Geburtstag G. Baumer*, p. 188

the Sentences,¹ and the unknown author of the *Summa Philosophiae*, ascribed to Grosseteste,² all made use of him. Docking does not give the title of the work which he quotes, but merely the number of the chapter. All the quotations, however, that I have noted occur in *The Guide for the Perplexed*.³ Thus (Deut. xxii. 6):

Unde Rabymoyse cap. 179 reddens rationem istius precepti ait : Prohibitum est decollare parentem et filium eodem die ut caveatur ne decolletur filius in oculis parentum, quia bestia sentit anxietatem magnam in hoc nec est differentia inter hominem et bestiam in anxietate qua super filios anxiantur.

This comes in the *Guide*, Part III, c. 48.

The longest quotations occur in 2 Tim. iii, and relate to the five impediments to spiritual wisdom (cap. 31) and the four causes which 'hinder man from learning the truth of things' (cap. 20). These occur in the *Guide*, Part I, cc. 34 and 31. Docking must have known the *Guide* in a Latin translation: ⁴ there is no evidence that he knew either Arabic or Hebrew (though he refers to the 'Talmutiste').⁵

Docking follows the traditional method, going through the whole text and commenting on each passage in turn.

¹ Pelster, 'Der älteste Sentenzenkommentar aus d. Oxf. Franziskanerschule', in *Scholastik*, i. 50-80 (esp. pp. 70-1).

² Baur, *Die philosophischen Werke Grossetestes*, pp. 280, 532, 552, 584-5, &c.

³ I have used Friedländer's translation, 2nd ed., 1904.

⁴ The only MS. translation now existing in England, that I know of, is Bodl. 2378 (fourteenth century). Christ Church, Canterbury, possessed 'Rabi Mosse' (no. 1309, p. 113, in *Ancient Libraries of Canterbury and Dover*, by M. R. James). There are two thirteenth-century versions in Paris Univ. Library MS. 601 (Catalogue, 1918, p. 150): see Haskins, *Studies in Mediaeval Science*, p. 282; and one at Munich: see Friedländer, *Guide for the Perplexed*, p. xxx.

⁵ Ball, 29, f. 66v.

He is true to his principle ' *expositio historica firmum est fundamentum aliarum expositionum* '.¹ He pays attention to questions of grammar, figures of speech, and the exact meaning of words. Thus he is careful to explain the meaning of the various words used for grapes or any part of the vine, quoting the opinions of the various authorities and summing up with the mnemonic hexameters :

*Est radix vitis, fructus sunt uva, racemus,
Pampinus est folium, botrus flos, vinea totum.
Pelles uvarum vinacia dic fore tantum,
Et dicas acinum quod in uva cernis acutum.*²

Local circumstances or historical changes are adduced to bring out the meaning of scriptural texts. Thus Docking's comment on Deut. xxii. 8 is :

Ad litteram hoc preceptum respicit consuetudinem Palestine, ubi domus in superiori parte plane sunt, unde, si non fuerint muri in circuitu vel deambulatoria, periculum est magnum et occasio labenti . . . Quantum ad sensum litteralem hic precipimur nil facere quod posset esse alicui periculosa occasio ruendi et in mortem corporalem.³

And on Deut. xxiv. 6 :

Notandum quod in Palestina homines habebant quasi quilibet in domo sua molendinum sive molam manualementem, in qua molebat unde panes faciebat.⁴

Why, he asks, in the commandment ' Thou shalt not covet ', does ' thy neighbour's house ' come first in Exodus and ' thy neighbour's wife ' in Deuteronomy?

Responsio. Penes duo attenditur ordo prohibitionum, scilicet penes magnitudinem peccati prohibiti et penes prinitatem ad perpetrationem. Vnde quia, cum lex dabatur in Exodo, adhuc erant

¹ Royal 3 B XII, f. 1.

² *Ibid.*, f. 129^v. Cf. f. 133 on the meaning of ' cartallum '.

³ *Ibid.*, f. 112^v.

⁴ *Ibid.*, f. 127^r.

in profunda heremo et penuria ubi maxime inclinabantur ad furandum res aliorum, ideo concupiscentia rerum alienarum precipue prohibebatur. Quando autem lex repetita fuit sicut traditur in hoc libro [Deut.], iam accedebant ad terram habundantissimam ubi magis timendum fuit et cavendum a concupiscentia carnali, et ideo huic primo occurritur in loco hoc.¹

The Jewish law is sometimes alleged as the origin of modern customs. Thus Deut. xxv. 1 causes Docking to remark :

Nota ex hoc quod hic dicitur de numero plagarum, i.e. percussionum, tracta est consuetudo ut excommunicati publice verberenter ictibus computatis secundum numerum versuum alicuius psalmi.²

In comparing the Jewish and Christian law he expounds as a general principle that punishments under the former are more severe than under the latter : ' for before the incarnation God was our lord, not our brother, and therefore he then exercised judgement of lordship and rigour : after the incarnation he became our brother and therefore shows us brotherly pity.' But this leads to difficulties. How is one to explain that theft is now punished by hanging and then merely by restitution ? This is the answer :

Furtum magis punitur modo quam tunc propter maius periculum. Modo enim populus multiplicatur et fertilitas rerum diminuitur, et ideo nimis multiplicarentur furta modo nisi plus punirentur quam tunc.³

His tendency is to accept the social conditions of the time. Fathers should thrash their sons when they are children, but not when they are grown up.⁴ ' A serf (*servus*) does not sin if he seeks freedom by good means : but he should not worry much if he fails to obtain freedom, for this helps to preserve humility.'⁵

¹ Royal 3 B XII, f. 33.

² *Ibid.*, f. 130.

³ *Ibid.*, f. 116.

⁴ Ball. 30, f. 106.

⁵ *Ibid.*, 107v.

Yet he does not flinch from conclusions to which the argument seems to lead. In his questions on Luke he discusses whether there is more charity in heaven or on earth, and concludes :¹

Ex hoc patet solutio ad 2^m. Quia enim caritas in via extenditur ad omnem hominem, salvandum et dampnandum, caritas autem in patria ad homines salvandos, ideo caritas in via maior est quantum ad extensionem, licet minor sit quantum ad intensionem.

References to the condition of things in church and state in his own day are frequent but generally vague. There are many allusions to the pride and arrogance of some prelates,

qui subditos imperiose coercent, non requirentes voluntatem eorum in rebus que ad ipsos pertinent.²

Prelates should not be elected on account of high birth ;³ and if the secular ruler should not be a foreigner (Deut. xvii. 15), 'much more is it forbidden that a prelate of the church should be a foreigner, who knows neither the manners nor the language of the country'.⁴ A clerk who accepts the goods of a church and neglects his duties is as much a thief as a labourer who takes his wages and does not do his work.⁵

The following passage if, as is probable, it was written between 1260 and 1265 had a direct bearing on con-

¹ Bibl. Nat. 3183, f. 173. Cf. St. Thomas Aquin. *Summa*, 1a 2^{ae}, qu. 67, art. 6 : 'Ad tertium dicendum quod charitas viae per augmentum non potest pervenire ad aequalitatem charitatis patriae propter differentiam quae est ex parte causae. Visio enim est quaedam causa amoris, ut dicitur (*Ethic.* ix. 5) : Deus autem quanto perfectius cognoscitur, tanto perfectius amatur.'

² Royal 3 B XII, f. 7^v ; cf. f. 5 ; Ball. 29, f. 46 ; 30, f. 204, &c.

³ Royal 3 B XII, f. 6^r ; cf. Ball. 29, f. 132.

⁴ Royal 3 B XII, f. 90^r.

⁵ *Ibid.*, f. 31^r.

temporary politics which would have been unmistakable to a class of students :

Videtur mihi, sine preiudicio sanioris sciencie vel sentencie, quod si quis vir prudens et idoneus ad curam agendam regiminis, videns populum dei periclitari ob defectum regiminis, appetat dignitatem regiminis solo dei amore et utilitatis subditorum, bene appetit et bonum opus desiderat.¹

The theatre of his day comes in for severe handling, but musicians may in some circumstances be encouraged.

De hystriionibus sciendum est quod histriones dicuntur quasi hystoriones, eo quod corporum suorum gesticulacione representant hystorias aliquas turpes sive confictas sive factas, sicut olim fecerunt tragedi et comedi in theatris, et hodie fit in turpibus spectaculis et turpibus ludis, in quibus denudantur corpora vel induuntur larve, ut fiant turpes saltus vel alii turpes gestus : et tales magis sunt puniendi et prohibendi quam ad aliquod beneficium recipiendi, eo quod provocant homines ad turpia.—De mimis autem cuiusmodi sunt cithariste et viellatores et alii utentes instrumentis musicis : si hac intencione utuntur labore et officio suo ut provocent homines ad ocium vel lasciviam, repellendi sunt et prohibendi a beneficio : si autem indigentes sunt et utuntur talibus pro victu suo adhipiscendo hac intencione ut faciant hominibus solacium contra iram, tristiciam, tedium et accidiam, vel contra infirmitates corporales, tanquam pauperes Christi ad beneficia sunt recipiendi.²

¹ Ball. 30, f. 231v.

² *Ibid.*, f. 41 (Gal. vi). This passage is evidently based on a passage in Thomas de Chabham's *Summa de penitentia*, which has often been quoted : e. g. by E. K. Chambers, *Medieval Stage*, ii. 262 ; E. Faral, *Les Jongleurs en France au Moyen Âge*, p. 67 ; and which has been translated by G. G. Coulton, *Social Life in Britain*, p. 403. All these writers make mistakes about the author, which they might have avoided by reading Dr. Poole's notice of 'Chabham or Chobham, Thomas de' in *D.N.B.* Mr. Coulton's description of him as 'Thomas de Cabham, Bishop of Salisbury, who died in 1313', combines in the fewest words the greatest number of mistakes. (The date 1313 is selected because Thomas de Cobham, then canon of York, and afterwards—1317–1327—bishop of Worcester, was in that year elected to the archbishopric of Canterbury by the monks of Christ Church.)

Docking often alludes to the fourfold meaning of Scripture, but generally begins any spiritual interpretation with the word 'Moraliter'. This is characteristic. He is interested in moral problems, while heresies and heretics (apart from idolatry) occupy very little space in his voluminous commentaries. How far a wife is justified in giving alms without the knowledge or against the will of her husband, in what circumstances it is permissible to tell lies or to break one's word, what should be the relations between Christian servants and Jewish masters, are among the subjects discussed.¹ Usury is treated at considerable length in the commentary on Deuteronomy² but with no fresh arguments or conclusions. A passing allusion to the kindred question of the 'just price' in the commentary on Timothy (1 Tim. iii) contains a more personal touch:

Nota quod hoc quod dicit glosa, turpe lucrum esse aliquid emere et plus vendere intelligendum est si aliquid ematur et vendatur in eadem forma. Si enim ematur pullus et educetur et postea equus

Master Thomas de Chabham, Chobham, Chabeam, Chabeham, Chabbeham, Cobeham, Chebeham, Cabaham, Cabham (and the further variants Chapham, Clapham, Chapeham, Chebbam, Cheybyam, Cobham, are supplied by the old library catalogues of St. Augustine's Canterbury, Durham Cathedral, and Hulne Abbey), was subdean and canon of Salisbury in 1226 and 1229 (W. H. Jones, *Fasti Eccl. Sarisb.*, pp. 192, 438), and probably as early as 1214 and as late as 1230 (Le Neve, *Fasti*). The earliest known copy of his *Summa de Penitentia*, MS. Royal 8 A xv, belongs to the first half of the thirteenth century. Other MSS. are: *thirteenth century*, Royal 8 F xiii, Univ. Coll. Oxford 119, Queen's Coll. Oxford 362; *fourteenth century*, Royal 11 A 1, 11 A vi, Harl. 4065, Oriel Coll. 17, King's Coll. Cambridge 17, Berlin State Library 470; *fifteenth century*, Trinity Coll. Cambridge 365, 366. This list, which could easily be increased (there are several MSS. in the Bibliothèque nationale), is enough to show that Chabham's treatise enjoyed a considerable reputation in the thirteenth and fourteenth centuries. It deserves investigation. ¹ 3 B xii, f. 30; Ball. 30, ff. 101v-102, 260v, 261.

² Royal 3 B xii, ff. 123v-5.

factus vendatur carius, non est turpe lucrum. Set quid si in eadem forma ematur quid vilius et postea vendatur carius et inde fiat elemosina, numquid est turpe lucrum? Credo quod non, quia nullus inde leditur, ex caritate autem proximorum necessitati providetur. Honestum est tamen clericis ab huiusmodi contractibus abstinere.¹

A long discussion on tithes, which includes an elaborate statement of the significance of the number ten in the physical and spiritual world,² contains a personal observation.

Ex hac sententia videtur quod si quis etiam sementem non superciperet de agricultura, nichilominus tamen de frugibus quas cum dampno accipit debet dare decimam. Ego tamen, si ad me pertineret, non acciperem talem decimam ex quo nullum lucrum set magis dampnum inde habet.³

He can handle philosophical questions competently,⁴ and is no mean psychologist. But he knows the danger of over-dogmatism.

Unde philosophus: narrare aliquid certissime de anima grave est et valde difficile: et hoc testatur diversitas sive discordia precipuorum philosophorum.⁵

He will not decide what keeps the earth in its place:

Videtur quod terra immobilis perseverat potius supportante dei voluntate quam centro mundi per equalem inclinationem omnium partium terre ad ipsum . . . sed hec utrum sic vel alio modo se habeat, doctioribus et expertioribus discutienda relinquo.⁶

He is as impatient of verbal quibbles as Bacon is:

Et nota quod tales philosophi recte comparantur araneis que eviscerant se ut texeant telas quibus nichil capiunt nisi muscas. Similiter huiusmodi philosophi eviscerant se per laborem curiosi,

¹ Ball. 30, f. 242^r (cf. St. Thom. Aquin. *Summa*, 2^a 2^{ae}, qu. 78, art. 4).

² Royal 3 B XII, f. 137.

³ *Ibid.*, f. 137^v.

⁴ See, e.g., discussion on the sensitive and intellectual parts of the soul, 1 Thess. v, Ball. 30, f. 207; on conscience, 1 Tim. i, Ball. 30, f. 221^v; and whether 'celi sint animalia rationabilia', Royal 3 B XII, f. 163^v-4.

⁵ *Ibid.*, f. 89.

⁶ *Ibid.*, f. 57^r.

hoc est inutilis, studii, texendo verborum subtilitates super rerum naturam fundatas, et tamen nichil inde capiunt nisi muscas, i.e. simplices, leves et fatuos.¹

An extract from his argument on the question 'Can man understand God?' may be given as an example of his method and of the clarity of his thought and expression.²

Hec gratia adiuvens aut est finita aut infinita. Si finita, ergo ipsius adiutorio non potest virtus finita in aliquod infinitum, quia finitum finito additum totum manet finitum. Si est infinita, ergo virtus finita non potest eam recipere ut inde adiuvetur. Ad hoc sciendum quod duplex est virtus seu potencia, scilicet activa et passiva. Potencia activa comproporcionalis est essencie cuius est potencia: potencia autem passiva sive receptiva non, set est talis potencia infinita in essencia finita: verbi gratia: quodlibet continuum quantumcumque finitum et breve in essencia potest recipere divisionem in infinitum. Similiter unus punctus aeris infinitos radios luminis recipere potest. Quia ergo potencia mentis rationalis create cognitiva et appetiva non tantum est activa set et receptiva, ideo, licet sit in essencia finita, potest tamen recipere adiutorium cognoscendi et appetendi sive diligendi infinitum. Unde, sicut unus punctus aeris potest simul recipere infinitos radios luminis corporalis, si essent presentes, multo incomparabiliter melius mens rationalis creata potest simul recipere infinitos radios luminis spiritalis, scilicet gracie glorificantis, quibus receptis adiuta potest se exercere in actu tam cognoscendi quam diligendi infinitum.

An imaginary argument between the world, the flesh, and the devil on one side and man on the other shows Docking in a more playful mood.

Et nota quod isti tres temptatores, scil. mundus, caro et dyabolus, faciunt homini reprobo sillogismum eterne perdicionis. Mundus enim proponit blandimenta, caro assumit illicita desideria, et dyabolus concludit eterna tormmenta. . . . Electi autem respondent huic sillogismo per distinctionem maioris et interempcionem minoris [etc.].³

¹ Ball. 30, f. 160v.

² *Ibid.*, f. 267v (1 Tim. vi).

³ *Ibid.*, f. 263v (1 Tim. vi).

Was Docking sometimes not above playing to the gallery? There are some passages which suggest it. It was hardly necessary to make old age ridiculous in order to explain the meaning of 'seeing that ye have put off the old man': Col. iii. 9.¹

Et nota quod proprietas istius conversionis veteris intelligi potest per proprietates hominis senis, que sunt: quod ipse est somnolentus et oscitans, morti vicinus et morbidus, reprehensor iuvenum, tristis, gelidus, canus, curvus, rugosus, tremulus, debilis, piger, delirus, querulus, laudator temporis acti, raucus, tusciens, stertens,² cecuciens, unde versus:

Delirus, gelidus, rugosus, debilis, olim
Facta probans, raucus, tusciens, tremit, oscitat albus,
Curvus, obit tristis, cecus, querulus, piger, asper.

He certainly had a good deal of sympathy with youth. The following passage may perhaps contain reminiscences of his own childhood. It comes in Hebrews ii: ³ the words 'I and the children which God hath given me' recall to his mind the text in Matthew xix: 'Suffer little children to come unto me . . . for of such is the kingdom of heaven.' So it behoves us to know something of the ways of little children—at any rate of little boys.

Et nota proprietates parvuli. Non est sollicitus, non concupiscit, ludo simplici et innocenti exercet se, in tantum domestica diligit ut ad regnum translatus magis antiqua requirat et solitis interesse desideret. Cognoscit possessionem patris sui; nunc in campo, nunc in ortis, nunc in pomeriis, nunc in pratis, nunc ad fontes, nunc ad vineas discurrit. Singulis anni temporibus proprias delectaciones habet; in vere arantes et seminantes sequitur; in estate et autumpno vindemiantes comitatur; foris cibariis servorum nonnunquam degustatis ad priores delicias renovatur; gaudet nonnullos fructus decerpere, spicas immaturas confricare, botros maturescentes

¹ Ball. 30, f. 169v.

² sc'tans (scortans? scrutans?).

³ Ball. 30, f. 349.

eligere, aviculorum nidos explorare et ova vel pullos inventos cum magno gaudio et tripudio domum portare, et quasi de sua venacione licet tenui magis quam de alienis copiis refeccionem querere.

The commentary on Isaiah, in spite of its prodigious length, appears to be almost entirely expository,¹ and is marked by frequent comparisons of the text of the different translations—the Septuagint, Aquila, Symmachus, &c. As Docking is not in the habit of referring from one of his works to another, it is impossible to establish the chronological order of the commentaries. None of them, however, bears traces of immaturity: none seems to have been the production of a ‘cursor bibliae’. Rather it would seem that in the Isaiah commentary the writer is deliberately confining himself to the interpretation of the text and refusing to be drawn into any general discussion. Thus, after discoursing at length on the verse *Ecce Virgo concipiet et pariet filium* (vii. 14), he says:

Sunt et alie rationes innumere quibus ostendi posset beatissimam matrem Domini virginem concepisse necnon et virginem peperisse, quibus ad presens, propter tedium audientium et ne magis disputare videamur quam legere, supersedemus, admonentes vos intendere hiis que dicta sunt, quoniam, si eis diligenter attendatur, patet in eis manifesta destructio omnium iudaizantium quos ego adhuc viderim.²

On another occasion he turns aside from the task of exegesis with the words ‘Now let us turn back and talk about mountains’. Then follows an eloquent and almost

¹ I have not looked at the last half which is contained in the Caius MS., not in the Balliol. There may be quaestiones at the end.

² Ball. 29, f. 79^v. There is a veiled reference to some opponent on f. 166^v, Isa. vi. ‘Qualis autem fuerit hec visio secundum sensum literalem subtilem et nobilem, quamvis possemus aliquid dicere, tamen propter os loquencium iniqua ad presens subticemus, innuentes auditoribus tum per nostros expositores tum per Iudeorum sapientes quod non multum curent tam sensibiles seu sensuales exposiciones.’

romantic panegyric of mountains as 'the heavens of the earth'.¹

In the commentaries on the Pauline epistles there is a good deal more general discussion and more reference to his own views—often introduced with the words 'Mihi videtur'. One of the doctrines he inculcates is the persistence of the moral law throughout nature. Commenting on Galatians vi. 2, 'Bear ye one another's burdens', he says: ²

Per oneris supportacionem maxime verissime et fidelissime se communicat homo, quia et corde et opere. Nam communicacio operis infallibile signum est comunicacionis cordis. Homo autem maxime se communicando maxime fit bonus, quia sui ad salutem participantium comunicacio est universalis boni diffinicio, ac per hoc patet quod maxime debet homo moveri ad aliena onera supportanda. Et ad hanc quidem comunicacionem invitat hominem omnis creatura. Quelibet enim creatura alii se comunicat tota comunicacione sibi possibili, ut patet primo in corporibus supercelestibus que indesinenter ideo moventur ut effectum sue bonitatis creaturis inferioribus comunicent. Ita est de creaturis aliis. Nam terra omnibus se comunicat per supportacionem; aqua per suas proprietates—na[ta]bilitatem, potabilitatem et labilitatem et ceteras; aer etiam per suas, scilicet inspirabilitatem, exspirabilitatem, transparenciam et continenciam et ceteras; ignis quoque per suas, scilicet per proprietatem splendificativam, calefactivam et ceteras innumeras: sicque ordinantur omnia in universo quod illa pars universi que magis est necessaria ceteris magis se comunicat. Quapropter luce liquet clarius quod omni creatura peior probatur homo nisi ad omnis creature invitacionem, quantum exposcit utilitas, se studeat comunicare.

Similarly on Eph. iv. 3: ³

Ad evidenciam autem huius persuasionis apostoli ad unitatem pacis servandam, notandum quod omnia suadent ad hanc unitatem servandam. Nam corpora celestia appetitu unitatis sortita sunt figuram spericam, que omnium figurarum est maxime unitiva. Hinc

¹ Ball. 29, f. 32v.

² *Ibid.*, f. 36v.

³ *Ibid.*, f. 80.

est, ut dicit quidam sapiens, quod pluvie gutta, licet fluida, appetitu unitatis in spericam se colligit figuram; elementa mundi sibi contraria et repugnancia appetitu unitatis indissolubili concordia mundum componunt. Similiter contrarii in corpore appetitu unitatis temperamentum servant unitatis. Item aves rapaces et fere feroces non nisi amore unitatis se separant a societate ut scilicet predam habeant indivisam; et ut multa breviter comprehendam, omnis divisio et omnis coniunctio fit appetitu unitatis aut habende aut habite conservande.

It is, however, in the commentary on Deuteronomy—deservedly the most prized of his works—that Docking reveals himself and his convictions and interests most fully. It is shorter than most of his other commentaries, and perhaps later. One is tempted to think that he may have learnt the danger of prolixity—a point which he discusses at the beginning of this work and on which he quotes Horace's lines (*A. P.* 335–7):

Quicquid precipies esto brevis, ut cito dicta
Percipiant animi dociles teneantque fideles.
Omne supervacuum pleno de pectore manat.¹

Here even more than elsewhere he insists that God is a spirit—*supersimplicissimus spirituum*. So the scriptural attribution of anger and such-like passions to God² is not to be taken literally: it is merely a concession to the weakness of the human understanding. Docking has decided opinions as to what may or may not be pictorially represented. Commenting on cap. iv, verse 15 *et seq.*, he says: ³

Ex quo colligi potest quod nullius rei imago collocanda est in ecclesia que manifestum errorem inducere possit, sicut imago patris aut spiritus sancti aut filii secundum eius divinitatem. Hoc est,

¹ Royal 3 B XII, f. 1^v.

² e.g. Royal 3 B XII, f. 8^v (cf. ff. 161^v, 180^r), Deut. i. 34, xxxi. 17.

³ Royal 3 B XII, f. 17.

trinitas non debetur depingi, quia sine errore manifesto hoc nequit fieri [being 'purissimus spiritus']. Angeli tamen, licet in sui natura sint spiritus . . ., quia tamen apparent hominibus in assumptis corporibus visibilibus, ideo sine errore depingi possunt. Anime vero rationales non possunt depingi egredientes de corpore, quia aut omnino nullum corpus secum gerunt, cum de corporibus exeunt, aut nullum corpus nobis visibile.

And he notes elsewhere (Isa. ii. 8):

Sic forte multi simplices hodie sunt qui inter imagines sanctorum et ipsos sanctos in suis orationibus non distinguant.¹

He frequently recurs to the subject of idolatry, and in cap. 5 he enumerates seventeen 'famosiores species' of this sin.² Some of them are what we should call superstitions. Thus:

Nona est de initiis et initialibus rebus quas quidam insanissimi homines credunt esse causas vel signa subsequentium eventuum. Verbi gratia: cum quis surgat de lecto suo, si motus surgendi inchoaverit a parte sinistra sui, videlicet movens eam priorem quam dextram, aut si pedem sinistrum prius quam dextrum moverit, aut si calciamentum sinistrum prius quam dextrum acceperit, aut vestimentum primo induendum inversum aut non rectum acceperit vel induerit, vel e contrario in unoquoque istorum fecerit: credunt huiusmodi erronei quia talia initia signa vel cause sint bonorum vel malorum eventuum in illa die vel mense vel anno, maxime cum primo die anni vel mensis vel septimane, vel prima hora talia acciderint. . . . Quod si obiecerit quis quod talium observatoribus accidit plerumque sicut credunt, huius ratio est quod demones hoc procurare permittuntur ad talium iustis eorum meritis exigentibus deceptionem. Potest etiam huius reddi ratio naturalis. Qui enim huiusmodi observationibus credunt, confortantur anime eorum et exhilarantur cum bona sibi ventura credunt, et propter hoc magnificentius agunt et strenuius. Magnificentia enim atque strenuitas opera meliorant interdum et prosperant. E contrario vero, cum mala sibi iminere stulta credulitate suspicantur, timore ac desperatione simul

¹ Ball. 29, f. 38^v.

² Royal 3 B XII, ff. 21-3 (cf. ff. 94-5); Ball. 29, ff. 37-9.

anime deficiunt et concidunt, et ideo segniter atque debiliter agunt in operibus suis. Segnicies autem et defectus animi atque pusillanimitas, sicut opera ipsa deteriorant, sic malis imminentibus non resistunt, sed ea evenire patiuntur et bona ipsa, quominus eveniant, impediunt.¹

Another characteristic which must strike a reader of these commentaries is the author's interest in physical science. This appears both in his spiritual interpretation of physical laws—as, for instance, in the elaborate parallel between reflection and gratitude in Colossians ii. 1–6²—and also in the study of purely physical problems,³ especially in optics. It is here that he comes in contact with Roger Bacon.

Commenting on Deut. xxxiv. 1–3, Docket argues that Moses did not see the Promised Land merely with the mind's eye, for in that case there would be no reason for his ascending a mountain.

Forte vidit terram illam oculis corporalibus, et hoc per naturam illam sive scientiam linearum et superficierum luminosarum visualium que transeunt ad rem visam per plura diafona diversorum generum, in quorum contiguitate frangitur radius visualis faciens angulum, et pervenit ad rem visam non secundum rectum incesum sed secundum viam plurium linearum rectarum angulariter coniunctarum. Hec scientia est nobis incognita, que si esset nobis perfecte cognita, sciremus modum quo res longissime distantes faceremus apparere propinquissime positas, et quo res magnas propinquas brevissimas, et quo res longe positas parvas faceremus apparere quantum vellemus magnas, ita ut possibile esset nobis ex incredibili distantia litteras minutas legere, aut harenam aut gramina aut quevis minuta numerare. Et hoc quia radius visualis penetrans plura diafona diversarum naturarum in illorum contiguitate frangitur, et eius partes in diversis diafonis existentes in illorum contigui-

¹ Royal 3 B XII, f. 22^v.

² Ball. 30, f. 160.

³ I may refer here to his clear distinction between the legitimate claims of 'scientia naturalis', and the false claims of magic, to foretell future events: Royal 3 B XII, f. 94^v–5.

tate angulariter coniunguntur. Quod patet si in vas mittatur aliquid et sumatur distantia in qua non videatur et postea infundatur aqua et videbitur quod inmissum est.¹

The last part of this passage is a close paraphrase and partly a verbal quotation of two passages in Roger Bacon's *Opus Maius* (ed. Bridges), ii. 165 and 155. The subject is mentioned almost in the same words in the *Epistola de secretis operibus Artis et naturae* (the date of which is unknown), and had probably been treated in some of the fugitive pieces which Bacon wrote for his friends.² It is not necessary to infer that Docking knew the *Opus Maius*: it is certain that he derived his idea and some of the words that he used from Bacon.

In the part of the *Opus Maius* dealing with the application of mathematics to sacred subjects Bacon gives examples of the way in which a theologian should expound texts of scripture. One text selected is 'tripliciter Sol exurens montes' (Ecclus. xliii. 4).³ Docking in his commentary on Deuteronomy (xi. 10-12) takes this text and expounds it in true Baconian fashion. The passage is long but must be quoted in full.⁴

Et nota quod hoc loco habetur quod terra montuosa fertilior est quam terra vallosa sive humilis et depressa, quia per montuositatem terre promissae respectu terre Egypti prefert eam Moyses in fertilitate. Huic consonat Aristoteles libro *de Vegetabilibus*, dicens: calor et humor propria sunt aque dulcis, et ideo facta est terra dulcis et montuosa, et cito nascuntur ibi plante, quasi dicat, calor et humor appropriantur locis illis in quibus est aqua dulcis, et ideo loca illa sunt montuosa et fertilia. Preterea calor et humor sunt causa fertilitatis sue: hec autem magis habundant in locis montuosis.

¹ Royal 3 B XII, f. 184.

² *Opus Tert.* cap. 2 (Brewer, *Fr. Rogeri Baconis Opera quaedam hactenus inedita*, p. 13); Gasquet, 'An Unpublished Fragment', &c., *E.H.R.* xii. 500.

³ Ed. Bridges, i. 214-16.

⁴ Royal 3 B XII, f. 55^v-56^r.

De humore patet quia loca montuosa sunt origines maximorum fluminum, sicut habetur libro *Metheororum*: dicit enim Aristoteles quod currunt flumina ex montibus et sunt origines propinque eis; in pedibus autem montium aque minorantur. Huic attestatur quod paradysus terrestris locus terre altissimus, et inde oriuntur 4 flumina maxima, sicut habetur Gen. 2. Quod autem in montibus sit maior habundancia caloris ex hoc patet quod ibi est maior aggregacio luminum sive radiorum solarium intersecantium se, ex quorum interseccione generatur calor et multiplicatur. Prius enim suscipiunt montes radios solares orientales et diucius retinent occidentales et plures suscipiunt radios meridionales, propter maiorem eorum approximationem ad corpus solare. A quolibet autem puncto corporis solaris super quamlibet partem terre ei obiectam exeunt pyramidaliter radii facientes triangulum, cuius conus est in corpore solari et basis illa pars terre in quam descendunt, sicut docetur in *perspectiva*. Quanto autem corpus magis eleuatur a basy tendens ad conum, tanto plurium linearum egrediencium a chono recipit incidenciam; tum quia magis appropinquat ad latera trianguli inter que transeunt omnes radii descendentes ad basim, vnde omnes radii qui secundum istam incidenciam descendunt inferius transeunt per superius et non conuertitur; tum etiam quia omnes linee recte que possunt duci a chono usque ad basim maximam ei subtensam inferius ducuntur et transeunt per basem breuissimam ei superius subtensam, sicut patet per geometricam ostensionem. Ex quo ostenditur luculenter quod, quanto linea magis appropinquat ad chonum, tanto plurium linearum a chono descendencium recipit incidenciam; ac per hoc liquet quanto montuosa terra magis appropinquat ad solem, quam terra humilis et depressa, tanto plures solares radios suscipit. Hinc videtur michi quod propter triplicem dictam prerogacionem radiorum solarium quam habet mons super terram humilem et depressam, dicit Ecclesiastici 43, *tripliciter sol exurit montes*, scilicet propter priorem radiorum solarium suscepcionem, propter diuturniorem retencionem, et propter maiorem eorundem multiplicacionem. Patet ergo quod terra montuosa naturaliter est fertilior quam terra humilis, quia cause fertilitatis, scilicet calor et humor, magis habundant in ea. Set contra: Natura aque est semper descendere in inferiora et humiliora loca, sicut patet lib. *Celi et Mundi*. Ergo licet oriatur quandoque in superiori

loco tamen magis habundat in inferiori. Radii etiam solares quanto inferius descendunt, tanto virtuosiores sunt et efficaciores, quia tanto sunt perpendiculariores. Sicut enim patet in *perspectiva*; omne corpus lumen a quolibet sui puncto undique lumen circa se dirigit, et omnium linearum luminosarum ab eodem puncto corporis luminosi directarum, illa linea luminosa maioris virtutis est et fortius agens in operationem luminis que a corpore luminoso procedit ad angulos undique equales super corporis illuminati superficiem, et quolibet alia linea luminosa, quanto propinquior est lineae exeunti ad angulos equales, tanto eidem in fortitudine actionis magis accedit, et quanto ab illa remocior est, tanto est in agendo per impressionem luminis minoris virtutis. Omne etiam corpus lumen sphericum concavum a quolibet puncto sui dirigit unam lineam radiosam in centrum illius corporis spherici ad angulos equales super superficiem concavam illius corporis spherici; ad aliud vero punctum preter centrum signatum non possunt concurrere, nisi due lineae radiose ad angulos equales exeuntes a superficie concava illius corporis, ille scilicet due lineae que se orthogonaliter intersecant super punctum extra centrum signatum. Preterea ad quemlibet punctum intra corpus sphericum lumen pervenit unica linea radiosa a quolibet puncto superficiei spherice corporis luminosi, unde in quolibet puncto intra concavum sphaerae luminose aggregantur tot lineae luminosae quot in alio, hoc est quot sunt puncta in superficie concava corporis spherici luminosi. Licet ergo quantum ad luminositatem siue ad numerositatem luminis, quodlibet punctum, intra sphaeram luminosam equaliter habet de lumine, tamen quoad fortitudinem luminum in virtute operandi secundum impressionem centrum recipit maxime de lumine, et loca ei proximiora magis quam ab eo remociora, quia in locis proximioribus aggregantur plures radii minus oblique egredientes a superficie concava circumdantis luminosi, et in locis remocioribus aggregantur plures radii magis oblique egressi. Cum ergo celum sit corpus sphericum lumen et terra sit in medio concavitatis suae collocata, manifestum est quod illa pars terre que magis accedit ad centrum terre magis recipit de virtute luminis celi et suorum luminarium, quantum ad fortitudinem actionis luminis per impressionem, et ita illa pars terre que humilior et depressior est magis habet de virtute luminis, ac per hoc magis habet de virtute caloris ex radiis luminaribus

geniti, habet etiam magis de humido, sicut dictum est, quia natura aque est currere ad locum inferiorem, videtur ergo quod terra vallosa naturaliter sit fertilior quam terra montuosa. Cui patenter consonare videtur Bernardus in sermone de transitu beati Benedicti dicens; Vallem elige [etc.].

A comparison of this passage with that in the *Opus Maius* (i. 214-16) will show that there is some connexion between the two. What exactly the relation is is more difficult to decide. The resemblance is in substance, not in words. If Docking had had the *Opus Maius* before him, it may be assumed that he would, in accordance with his usual practice, have made verbal quotations from it. The more probable inference is that Bacon had in mind Docking's treatment of the text *tripliciter Sol exurens montes* and used it as an example. It will be noted that Bacon introduces a modification which Docking had omitted, namely, that high mountains 'habent frigus magnum et nives quasi perpetuas' (Bacon had crossed the Alps: there is no evidence that Docking ever left England). If this supposition is correct, it may be inferred that Bacon regarded Docking as one of the few model theologians among his contemporaries.¹

Docking makes few direct allusions to Franciscan legends and literature. He quotes St. Francis's greeting

¹ Cf. *Opus Minus* (ed. Brewer), p. 329: 'textus hic (i.e. of the theological faculty) . . . est ita magnus quod vix sufficeret aliquis lector ad perlegendum eum in tota vita sua, secundum quod magistri legunt. Deinde sancti doctores non usi sunt nisi hoc textu; neque sapientes antiqui, quorum aliquos vidimus, ut fuit dominus Robertus episcopus Lincolnensis, et frater Adam de Marisco, et alii maximi viri.' Cf. also Docking on Deut. xx (Royal 3 B xii, f. 106) 'quod gentiles ex libris suis sunt superandi et hoc significatur per instructionem machinarum ad capiendum civitatem obsessam' with Bacon, *Opus Maius*, ii. 221, and elsewhere. Cf. also Docking's account of magic in Royal 3 B xii, f. 95 with Bacon, *Op. Mai.* i. 339. Docking, like Bacon in the *Op. Mai.*, says magical or false mathematics 'dicitur a mathesi penultima producta'.

to Sister Death, 'Bene veniat soror mea mors',¹ which he knew perhaps from the second life of Celano. He quotes the Rule of St. Francis,² and refers to the effect of the coming of the Friars Preachers and Friars Minor.³ He speaks frequently of the advantages of the religious life and of religious vows,⁴ and again and again praises voluntary poverty.⁵

In his commentary on 1 Tim. vi he gives ten arguments in favour of voluntary poverty, without, however, any direct reference to St. Francis. One may be quoted :

8^a promotio ad vacandum studio. Unde Seneca Epist. 18 [17]: Si vis vacare animo aut pauper sis oportet aut pauperi similis. Non potest studium salutare fieri sine frugalitatis cura. Frugalitas autem est paupertas voluntaria. Hinc quidam prudens ait :

Nulla libris erit apta manus ferrugine tincta,
Nec nummata queunt corda vacare libris.
Nummipete cum libricolis nequeunt simul esse ;
Ambos crede michi non capit una domus.⁶

He is, however, no fanatic supporter of ascetic practices.

Si fuerit talis necessitas infirmitatis vel debilitatis quod impedit aliquem ab hiis que sue religionis sunt, ut scilicet non possit surgere ad matutinum et statutos labores implere et sustinere, melius est ei abstinere a vilibus cibis seu nocivis et uti preciosibus quam iacere infirmus et esse aliis oneri.⁷

In his commentary on Luke he discusses the relative merits of the life of the parish priest and the life of the mendicant friar. The wording of the question is interesting as summing up the ordinary activities of a friar.

Utrum melius et perfectius sit residere in una parochia vacando ecclesiasticis occupationibus quam circuire mundum totaliter intendendo predicationi et confessionibus audiendis, discordiis sedandis

¹ Ball. 30, f. 196.

² Bibl. Nat. 3183, f. 181.

³ Ball. 30, f. 11^v.

⁴ e.g. Royal 3 B XII, f. 176^v; Ball. 30, f. 176.

⁵ e.g. Royal 3 B XII, f. 4; Ball. 30, ff. 45, 92; Bibl. Nat. 3183, f. 179.

⁶ Ball. 30, f. 262^v.

⁷ *Ibid.*, f. 165.

et paci conciliande et ceteris que pertinent ad fidei informacionem et morum edificacionem.¹

He decides of course in favour of the friar, but his conclusion is expressed with moderation.

Verum est eciam quod bonus sacerdos parochialis maiorem curam inpendit circa parochiam suam quam predicator generalis in locis singulis per que semel aut bis transit per annum, quia frequencius et diuturnius docet eos verbo et exemplo; set ex hoc non sequitur quod perfectius docet eos, quia tantam perfeccionem et verbo et exemplo potest quis docere in brevi quantam et in prolixiori tempore; et melius est eciam pertranseundo plurimos docere sufficienter ad salutem quam in uno loco stando maiorem curam doctrine inpendere circa paucos, quia illud magis appropinquat ad implecionem numeri electorum, sine qua eciam purissimi ad plenum beatificari non possunt; et quod magis appropinquat fini ultimo et optimo, illud melius est.²

At the end of his postill on Job he compares religious orders which have property in common with the state of absolute poverty.

Queritur utrum perfeccioris paupertatis sit illa religio que nichil habet in proprio neque in communi quam illa que habet aliquid in communi.³

One ingenious argument is that absolute poverty is more natural.

Item congregacio que nichil habet in communi rector est, quia eius medium minus exit ab extremis: set unusquisque quando mundum ingreditur et quando egreditur nichil habet in proprio neque in communi. Similiter tota quecumque congregacio, quando desinet esse, nichil habebit in proprio vel communi. Similiter antequam fuit, nichil habuit hoc vel illo modo.⁴

Docking's controversial methods are chiefly remarkable for the complete absence of any bitterness or recriminations. He is more interesting when he comes to the next question 5—whether a society having nothing 'in proprio

¹ Bibl. Nat. 3183, f. 170.

² *Ibid.*, ff. 171, 171^v.

³ *Ibid.*, f. 178^v.

⁴ *Ibid.*, f. 179^v.

⁵ *Ibid.*, f. 180^v.

vel communi ' should live on alms or by manual labour. Throughout his argument he shows much more sympathy with manual labour ¹ than Bonaventura or Pecham, and his final conclusion is typical of his moderation and practical wisdom.

Dicendum quod, ubi est fervens devocio ad audiendum verbum ewangelii et tribuendum necessaria ewangelizanti, melius est ibi vivere de ewangelio, comedendo et bibendo et conferendo ewangelium cum tam devotis, quam laborare et absentare se ab eis. Ubi autem non est libens voluntas set murmur aut egritudo quedam animi ad tribuendum necessaria ewangelizanti, ibi longe melius est laborare quam accipere aliquid de potestate ewangelii.²

In one of his most interesting commentaries—that on the second epistle to Timothy—Docking discourses at some length on education.³ After speaking of the impediments to learning he comes to the seven keys of wisdom. Six of them are enumerated in the following verses :

Mens humilis, studium querendi,⁴ vita quieta,
Scrutinium tacitum,⁵ paupertas, terra aliena :
Hec reserare solent multis obscura legendo.

¹ In Deut. xvii he quotes some verses on the making of a good craftsman (Royal 3 B xii, f. 91) :

Rem tria perficiunt : ars cuius lege regaris :
Usus quem serves : meliores quos imiteris.
Ars certos, usus promptos, imitatio reddit
Artifices aptos, tria concurrentia summos.

² Bibl. Nat. 3183, f. 182^v.

³ Ball. 30, ff. 287^v–8.

⁴ In commenting on this he gives the lines :

Hec tria discipulum faciunt superare magistrum,
Sepe rogare, rogata tenere, retenta docere.

⁵ De hoc tacito mentis scrutinio quidam sapiens methaphorice prudenter locutus est :

Mentis in incude studiose cude, recude,
Denique quod doceas excude, set ordo sit iste,
Ante modos omnes in pectore collige ; post hec
Elige quid melius.

To these six keys, he goes on, a seventh is added by Quintilian in the book *de Institutione Oratoris*:

que est amor docendum, quo preceptores ut parentes amandi sunt et colendi. Unde versus

Additur his doctoris amor de Quintiliano.

Sicut enim parentes corporum, ita et magistri quidam sunt genitores animorum, non quidem de se spiritus substantiam propagando, set quasi sapienciam in auditorum mentibus gignunt, in melius reformando naturam. Et hec quidem pietas studio confert plurimum. Nam et libenter audiunt quos amant et dictis credunt et similes esse concupiscunt, et pio faciente affectu in ipso cetu scholarum leti alacresque conveniunt, emendati non irascuntur, laudati non erubescunt, ut sint et ipsi karissimi, studio merebuntur.

It is not fanciful to see in these words Docking's own feeling towards his masters and towards his pupils. His was not an original mind, but he had a remarkable power of assimilating and expounding ideas and knowledge. Without making a parade of learning he was eager to put his vast knowledge at the service of others. He did not try to enforce his views, and was not ashamed to confess ignorance. Co-operation, not domination, was in his eyes the right relation between teacher and pupils, as between prelate and subjects. The teacher, like the preacher, should be both father and mother to his disciples.¹ One can well believe that he gained the affection as well as the respect of his students, and that they were willing to forgive his prolixity and even his hexameters.

A. G. LITTLE.

¹ Ball. 30, f. 7^v (Gal. iv).

JOHN DE BENSTEDE AND HIS MISSIONS FOR EDWARD I¹

PROFESSOR TOUT has described John de Benstede or John of Benstead, as 'certainly one of the strongest and most influential ministers of the latter years of Edward I, whose distinctive personality, picturesque and diversified career, and his intimate relations to his sovereign all make him worthy of a careful study'.² The preservation of seven minute Accounts of Expenses incurred during a series of missions entrusted to him between 1300 and 1306 furnishes us with some information of a personal character. It is with these accounts that this paper is primarily concerned, but the history of his official career will furnish the best guide to their correct understanding.

John de Benstede, as his name is most usually given in contemporary records (though Benestede and occasionally Banstede also occur), most probably came from Binsted near Alton in Hampshire, where he held some fair amount of land at his death. The name of this place is given as Benestede in the Inquisition, and it seems more reasonable to connect John with it than with Banstead, Surrey, Binstead in Sussex, or Binstead in the Isle

¹ The editor and contributors of this volume desire to express their sense of the loss which medieval studies have sustained through the death of the author of this article, which occurred on 27 Nov. 1926. As Mr. Kingsford was unable to read the proofs in his last illness, that duty was undertaken by his friend, Miss Rose Graham, at Mr. Kingsford's own request; and certain identifications of place-names in the following foot-notes are due to Miss Graham.

² *Chapters in Mediaeval Administrative History*, ii. 18. I take this opportunity to acknowledge my indebtedness both to that work and to *The Place of Edward II in English History*.

of Wight. However, in the uncertainty of his origin it is perhaps safest to retain the contemporary form Benstede, which continued to be used by his descendants.

A John de Benstede was ordained acolyte by Archbishop Peckham in March 1285/6.¹ So far as the date is concerned this would suit well enough for the future royal clerk. But the first certain mention of him in the king's service seems to be on 28 December 1292.² He was at this time employed in the wardrobe, and tendered the hanaper accounts for the year 1292-3, probably as holding the office of *ostiarius* or usher. This was a subordinate post, but on 20 November 1295 he was promoted to be controller, in virtue of which he became keeper of the privy seal and custodian of the wardrobe archives. His new post brought him into the closest personal relations with the king, and in modern phrase he was for the next ten years the king's private secretary. So the occasional description of him as 'Secretarius Regis' (though *secretarius* meant little more than confidential adviser) is perhaps the aptest indication of his functions. But even before his promotion he had been in attendance on the king throughout the Welsh expedition of 1294-5 and was paid his wage of 4½*d.* a day for the whole period, because he was never absent.³

As a royal clerk provision was made for him, though only in minor orders, by ecclesiastical preferment. On 22 November 1293 he was presented to a moiety of the church of Monkton, Kent, on 14 September 1295 to Worfield, Salop, and on 6 December 1296 to Brigham, Yorkshire.⁴ On 12 May 1297 he received a prebend at

¹ *Registrum*, iii. 1038.

² *Cal. Close Rolls*, Edw. I, iii. 309.

³ *Exchequer* (T. R.), Book 202, p. 22.

⁴ *Cal. Pat. Rolls*, Edw. I, iv. 51, 147, 223.

Ripon and ten days later a prebend at Salisbury.¹ From 23 November 1297 to 22 December 1300 he was dean of St. Michael Tetenhall in Staffordshire.² On 15 July 1298 he was provost of the cathedral church of St. Andrews in Scotland, and on 21 November 1298 parson of Steeple Langford, Wilts.³

The Controller of the Wardrobe was the principal subordinate of the Treasurer or Keeper of the Wardrobe, and his essential duty was to keep the counter-roll which formed the check on his superior officer's accounts. But apart from this he was responsible for the custody of the archives of the wardrobe, and as a consequence important state documents were for convenience of reference often deposited with him.⁴ What was of still greater significance, he was the head of the secretarial department of the royal household, and as such keeper of the privy seal. The privy seal became a formal part of the administrative machinery under Edward I. It is curious that though the office of keeper of the privy seal is mentioned as early as 1275, no person is referred to by name as holding it till long after. The reason, as Professor Tout pointed out, is probably that the keeping of the privy seal was one function of the controller of the wardrobe. Of the combination of the two offices we first have proof in Benstede's time, when in 1296-7 two clerks were employed in 'transcribing and enrolling letters made under the privy seal under John de Benstede'. Again in 1299-1300, when Benstede was frequently absent from court on the king's service, his clerk Geoffrey de Stokes

¹ *Cal. Pat. Rolls*, Edw. I, 248, 249.

² *Id.*, iv. 321, 559.

³ *Id.*, iv. 355, 385.

⁴ See, for instances, *Cal. Close Rolls*, Edw. I, iv. 88, 295, and v. 334; all three deliveries to Benstede.

had wages for making letters of privy seal during his master's absence. It was of course in his capacity as keeper of the privy seal that Benstede came most closely into association with the king, and to it he owed his position as one of Edward's foremost confidential advisers during the last years of his reign.

Benstede was present with Edward in Scotland in 1296, and after the victory before Dunbar was appointed with Earl Patrick to estimate the number of the slain.¹ When Edward went to Flanders on 22 August 1297 Benstede accompanied him. At the moment of the king's departure from Sandwich John Langton, the chancellor, surrendered the great seal, which was thereupon delivered to Benstede to keep.² During the seven months which Edward spent abroad Benstede had charge of the great seal, whilst at the same time privy seals were issued under his direction. Thus, to adopt modern parlance, he was at once minister in attendance and the king's private secretary. Whilst in Flanders Benstede was also employed on missions to Brabant and to the Countess of Luxemburg.³ When the king returned home on 14 March 1298 Benstede at once surrendered the great seal to the chancellor. That he was the natural custodian of the great seal under such circumstances marks the importance of the position which he held.⁴

Benstede was again with Edward in Scotland in the summer of 1298 and in the autumn of 1299. On the latter occasion when Edward went south after Christmas Benstede remained at Berwick, and was either there or at Roxburgh or at York with the clerks of the wardrobe

¹ B. Cotton, *Chronicle*, p. 312.

² *Cal. Pat. Rolls*, iv. 306.

³ Additional MS. 7965, f. 22^{vo}.

⁴ See p. 337 below for another occasion.

till 7 February 1300.¹ This covers part of the period of 114 days during which Benstede was absent from the court on the king's business during 1299-1300.² Later absences were in April and June when letters were sent to him from the king.³ For Benstede's movements during the next twelve months we have a record in the roll of his expenses during the twenty-ninth year of Edward I (1300-1). He was with the king in Yorkshire in November 1300, and after Christmas was sent to London in order that he might investigate with others of the king's council the documents concerning Scotland.⁴ This was no doubt in preparation for the parliament which met at Lincoln on 20 January 1301. Benstede had rejoined the king a few days before, and his name appears on the list of those who gave counsel on the procedure to be followed on writs after Inquisitions.⁵ On 7 May he was sent by the king from Kempsey in Worcestershire to the Earl Marshal to arrange certain matters touching his office. This mission occupied him nearly three weeks, and within a few days after he had rejoined Edward in Leicestershire he was appointed to conduct Edward Balliol⁶ from Whitwick and deliver him to the custody of the Constable of Wallingford Castle. On 25 June he again joined the king at Newcastle and three days later was sent forward to Berwick to make provision for the king's own coming.⁷ Though during his prolonged absences from court Benstede's routine duties as Controller of the Wardrobe were of necessity discharged

¹ *Liber Quotidianus Contrarotulatorius Garderobe*, pp. 52, 55.

² *Id.*, p. 75.

³ *Id.*, pp. 288, 289, 292; he was at Dunstable on 16 April, *id.*, p. 78.

⁴ See p. 345, below.

⁵ *Cal. Close Rolls*, iv. 485.

⁶ This shows that Edward Balliol was not released at the same time as his father.

⁷ See p. 345, below.

by a deputy, this record illustrates how much more important was his position as the king's confidential adviser and agent. How closely he was associated at this time with his master is shown also in Edward's description of him in September 1302 as 'our clerk who stays continually by our side'.¹ Benstede was present in the Scottish campaign of 1301, when he received payment for a retinue of two knights and eleven squires.² He was apparently again in Scotland in 1303, and in December a messenger was sent with letters from him to the chancellor on the king's business.³

In October 1304 Benstede was sent by the king to confer with the prince's council. With the prince he went down to Dover and eventually returned to the court at Barton-on-Humber on 24 November, having spent a week on his way at his manor of Benington.⁴ On 30 December, when he was with the king at Lincoln, he was appointed *locum tenens cancellarii* on the resignation of William Greenfield. A week later he was sent to London with instructions to discuss certain matters of state with others of the council there.⁵ The day after his arrival in London he surrendered the great seal to the new chancellor, William Hamilton.⁶ His Account for this time includes the expenses of messengers sent with letters reporting progress to the king. Edward himself came to London for the parliament which met on 28 February. In the record of this parliament Benstede is specially mentioned as one of the three 'discreet men' who are indicated as the inner circle of the king's

¹ *Cal. Close Rolls*, iv. 602.

² Additional MS. 7966, f. 85.

³ *Cal. Pat. Rolls*, v. 165; Additional MS. 35292, f. 62.

⁴ See p. 348, below.

⁵ See p. 348, below.

⁶ *Cal. Close Rolls*, v. 235.

advisers ; so styled ' because they are, we may guess, too " discreet ", that is too intimately connected with the king's person to need any writ '.¹ After Edward's departure from London Benstede remained behind from 26 April to 6 July to deal with various affairs in conjunction with other councillors.² On 8 July he rejoined the king at Ospringe and at once received instructions to go on an important mission to Gascony, where he was to confer with Otho or Otes Grandison, who was there negotiating with Bertrand de Goth, the archbishop of Bordeaux, who had been lately elected pope as Clement V.

Benstede went to Dover on 12 July but was unable to cross the Channel till a week later. In Paris he was again detained for a few days whilst he sent a messenger to Grandison. On his further journey to Bordeaux he turned aside to meet his messenger with Grandison's reply at Rocamadour. It was 29 August before he reached Bordeaux, where he remained only two clear days. He returned to England in haste, crossed over to Dover on 17 September, and reached London three days later.³

Benstede's long service now received recognition by his promotion on 25 September to be chancellor of the Exchequer.⁴ On 15 October, when he is described as ' chancellor of our exchequer and canon of Salisbury ', he was one of the envoys (the chief of whom were the earl of Lincoln, Walter Langton, and Otes Grandison) whom the king sent to negotiate with the new pope at Lyons.⁵ Benstede left London on 24 October, and journeying by way of Paris and Provins reached Châlon on 9 November ; from Châlon he went by water down

¹ Maitland, *Memoranda de Parlamento*, p. xliii.

² See p. 350, below.

⁴ *Cal. Pat. Rolls*, iv. 378.

³ See pp. 350-2, below.

⁵ *Foedera*, i. 974.

the Saône to Lyons, where he arrived 12 November. At Lyons he remained till 4 March 1306. By 28 March he was back at London, whence he proceeded immediately to the king at Winchester. After a week's stay he was sent back to London to obtain a report on the preparations for the Scottish war, and rejoined Edward at Winchester on 14 April.¹

Benstede resumed his close attendance at court and was with the king at York in October 1306, when he was one of the commissioners who concluded the agreement with John Comyn of Badenoch,² and at Lanercost in January 1307. After the accession of Edward II he resigned his office as chancellor of the Exchequer on 20 August 1307, and became keeper of the wardrobe, a post which he held for only one year. He then renounced his orders and resigned his ecclesiastical preferment.³ He had never been an ecclesiastic in more than in name, and his adoption of a secular career was shortly afterwards marked by his marriage. On 2 October 1308 he was made one of the justices of the Common Bench⁴ and was knighted. Though his later career was mainly judicial he was still employed in confidential matters suitable to his old reputation. Edward II had entrusted him with a mission to France in December 1307,⁵ and in February 1311 sent him with Henry Spigurnel to Rome to seek the pope's support against the Ordainers.⁶ On 4 August 1312 Benstede was appointed to summon the earls of Lancaster, Hereford, and Warwick to attend the conference on the Ordinances at West-

¹ See pp. 354-7, below.

² *Rot. Parl.* ii. 212.

³ His clerk, Thomas de Boterwyk, succeeded him at Worfield on 13 September 1309: *Cal. Pat. Rolls*, i. 212.

⁴ *Id.*, i. 193.

⁵ *Id.*, i. 25, 26, 32, 33.

⁶ *Foedera*, ii. 128.

minster on 27 August.¹ In August 1315 he was sent with Thomas Cambridge to Gascony to solicit contributions from the Gascons towards the expenses of the Scottish war.² In April 1318 he was employed on a mission to treat with Robert Bruce.³ In November 1319 he was appointed on another mission to Rome touching the affairs of Scotland; he left London on 26 November, but apparently went no farther than Dover, whence he returned on 6 December.⁴

There is no need to describe in detail the routine of Benstede's judicial career. He resigned his judgeship on 16 October 1320, when William de Herle was appointed in his place.⁵ On 20 June 1322 he was returned as one of those liable for military service in Hertfordshire and is described as a banneret.⁶ There is mention of him as late as 5 June 1323,⁷ but he died before 20 December of that year when his lands were seized into the king's hands.⁸ Benstede built the church at Benington, where an altar-tomb with effigies of him and his wife still exists.⁹

Benstede married in or before 1311 Petronilla, daughter and coheiress of Henry de Grapenell and widow of John FitzJohn. With her he acquired the manor of Great Stanbridge in Essex. He had two sons: Edward,

¹ *Cal. Pat. Rolls*, i. 489. Benstede's accounts for his journey to Lancashire are in *Exchequer Accounts*, K. R. 309 (18). He left St. Albans on 9 August, delivered the summons to the earl of Lancaster near Blackburn on 19 August, and did not reach Westminster till 31 August.

² *Foedera*, ii. 273. Thomas Cambridge's account is in *Exchequer Accounts*, K. R. 309 (22). They left London on 4 August 1315 and were back on 3 April 1316. Their report is in *Chancery Misc.*, 26/10.

³ *Archaeologia*, xxvi. 30. A Wardrobe Account.

⁴ *Foedera*, ii. 383; *Archaeologia*, xxvi. 322.

⁵ *Cal. Pat. Rolls*, iii. 508.

⁶ *Parliamentary Writs*, iii. 524.

⁷ *Cal. Pat. Rolls*, iv. 294.

⁸ *Cal. Inquisitions*, vi. 486.

⁹ *Vict. County Histories, Herts*, vol. iii. p. 76.

who was born at his father's house of Rosamund on 2 July 1312, and baptized at St. Margaret's, Westminster;¹ and Guy, of whom we know no more than that Petronilla held Chevely and Ditton Camoys for life with remainder to Guy, son of John de Benstede.² Edward de Benstede married in July 1331, and by his wife Maud had a son John who was eighteen months old when he succeeded his father in 1334.³ Petronilla de Benstede died in 1342, when her grandson John was her heir.⁴ The second John de Benstede died on 29 June 1358, leaving two sons, John who died in 1368, and Edward, who was born in 1356 and died in 1432. Edward's son Edmund died in 1439, and was succeeded by his grandson John, son of his son Ralph. The last Sir John de Benstede died in 1471, leaving a son William, who died in 1485, when his heiress was his aunt Eleanor.⁵

John de Benstede had in the course of his career acquired considerable estates.⁶ The property at Binsted, where he held 77 acres of land with messuages and rents, may be assumed to have come to him by inheritance, as also may 20 acres of purpresture in Aldershot Forest. His principal estate was, however, at Benington in Hertfordshire, where he held the manor by the service of one-third of two knights' fees; with the manor went five and a half knights' fees in Little Parndon, Essex, Fulbourne and Teversham, Cambridgeshire, and Walton, Chenisfield, Boxen, and Horned, Hertfordshire. Benington and the lands attached to it were acquired from

¹ *Cal. Inquisitions*, vii. 542.

² *Id.*, viii. 250. Guy must have died without issue, for John de Benstede held these lands in 1358.

³ *Id.*, vii. 568.

⁴ *Id.*, viii. 376.

⁵ Cussans, *Hertfordshire*, iii. 294; *Cal. Inq.*, Henry VII, i. 62.

⁶ *Cal. Inquisitions*, vi. 486.

Alexander de Balliol of Caures in 1303.¹ Benstede entertained the future Edward II at Benington in November 1304. In 1316 he made complaint of the breaking of his park there during his absence beyond seas.² Benstede also held other lands in Hertfordshire jointly with his wife; at Harpsfield by enfeoffment from the heirs of John de Harpsfield, and at Chewell in Bishop's Hatfield. In Essex he held a messuage and 116 acres of land at Wolcomstowe (or Walthamstow) of the abbot of Great Waltham; this had been acquired from Alexander de Balliol. In Wiltshire he had £20 yearly rent out of the manor of Winterslow. In Devonshire Benstede was lord of the Hundred and Manor of Ermington with extensive lands in various places. This he had acquired from Sir Gilbert FitzEstiephne before April 1305, when he complained that his park at Ermington had been broken whilst he was with the king.³ It was not till 1311 that Benstede satisfied Nicholas of Tewkesbury for debts due to him from Gilbert FitzEstiephne which were charged on the manor.⁴ After Benstede's death John de Stonor was granted custody of the manor of Ermington during the minority of the heir,⁵ and eventually by some means obtained possession in his own right.

At Westminster Benstede had a messuage with 53 acres of land, which he held of the abbot of Westminster. He also held 45 acres of land in Eye, of the king, as of the manor of la Neyte and Eygheburye (Ebury). In March 1308 he had licence to crenellate his house in Eye near

¹ *Cal. Pat. Rolls*, Edw. I, v. 165. ² *Id.*, Edw. II, ii. 588, 592.

³ *Id.*, Edw. I, v. 356.

⁴ *Cal. Close Rolls*, Edw. II, i. 353. Ermington was held by John Peverel in 1280; FitzEstiephne may have married Peverel's daughter Isult. See *Stonor Letters*, ii. 171.

⁵ *Cal. Pat. Rolls*, Edw. III, ii. 146.

Westminster, which was called Rosemount.¹ From a document at Westminster Abbey it would appear that 'the Manor called Rosamond' and part of Benstede's land lay to the south of the way leading from Totehill to St. James's Hospital.² The manor of Rosamund or Rosemount almost certainly supplies the origin of Rosamund's Pond, the name of the water in St. James's Park which was filled up in 1770, and before then lay obliquely across the west end of the present Bird Cage Walk. Subsequently the name was given until 1840 to another pond in the Green Park. The 45 acres held of the manor of la Neyte and Ebury had been acquired before 1312 from John atte Hyde.

All John de Benstede's lands, with the exceptions of Ermington and Rosemount, seem to have descended to his grandson, and Benstede, Stanbridge, Higham (Wolcomstowe), Benington, and Harpsfield were all owned by William Benstede in 1485.

The history of John de Benstede's career will have explained the circumstances under which the Accounts here summarized were rendered and the personal interest which attaches to them as showing the confidence which Edward I had in him. The Accounts are very full and give every item of the daily expenditure. It would have been impossible to print them at length, nor have they in themselves any quality which would make this desirable. Similar items occur again and again, and since quantities are hardly ever given there is no particular value in the record of the prices. It has therefore seemed

¹ *Id.*, Edw. II, i. 58, 61.

² *Liber Niger*, f. cxxxi—date 1336. The 'Manerium de Rosamound' seems to have returned to the possession of the Abbey in 1360—*Westminster Abbey Muniments*, 17663, 17681.

sufficient to give a few specimens in full, and otherwise to note only items which are of special interest. Benstede was of course accompanied by a considerable 'family', but even after allowance for this the amount and variety of meat and fish consumed, especially in London, is remarkable. The entries for the French journeys suggest that Benstede availed himself of the opportunity to indulge in luxuries like fruit, almonds, and rice, which were not so readily to be obtained in England. The larks, partridges, and other small birds which were purchased in London were perhaps for Benstede himself, while his servants ate the meat and coarser fish. Apart from purchases of food the Accounts are of interest for the expenses incurred in crossing the Channel and at the passage of streams. But their greatest interest consists perhaps in the Itineraries. The place-names are therefore always given, with the dates. In the Accounts for the French journeys the names of places were unfamiliar to the scribe, who in consequence left some blank and gave others corruptly. In the first foreign journey the Accounts are in English money as far as Paris; then in Paris money and Tournois. In the second journey the use of French money begins as soon as Benstede landed in France, at first in Paris money, from Provins to Belleville in Tournois and at Lyons in Viennois.

C. L. KINGSFORD.

THE ACCOUNTS

(1) *Exchequer Accounts*, K. R. 308 (30)—1300-1

Expense domini Iohannis de Benstede missi de Knarysbur vsque Ebor. pro negociis domini Regis ibidem expediendo. Anno regni eiusdem xxix^o incipiente.

25-29 November. Popelton.¹ 30 November. Apud Tade-

¹ Poppleton, near York.

castr. et Pontem fractum. 1 December apud Blithe.¹ Total 88*s.* 5½*d.*

Item expense domini Iohannis de Benstede missi de Norhamptona vsque London. pro bullis, scriptis et aliis memorandis regnum Scotie tangentibus ibidem scrutandis cum aliis de consilio Regis et per preceptum eiusdem Anno xxix°.

29 December. Stonystratford. Ad gentaculum. Eodem die apud Ailesbure. In feno pro xvij equis, ix*d.* 30 December. Woxebrugg.²

31 December—12 January. Westminster.

13 January. Ware. 14 January. Apud Pokerich 3 et Crucem Roes.⁴ 15 January. Cakston. 16 January. Huntyngdon et Sautre. 17 January. Apud Alwoltham.⁵ In passagio aque ibidem viij*d.* Total for 20 days 12*l.* 7*s.* 6*d.*

In expensis domini Iohannis missi de Parua Paunton⁶ vsque Netleham. pro negociis domini Regis. Anno eiusdem xxix°.

20 January. Auneby⁷ and Lincoln.

21—22 January. Netleham. Total, 50*s.* 11*d.* Summa totalis expensarum predictarum, xix *li.* vijs. ix*d.* Inde recep. per Querle apud Westm. mense Ianuarii C.*s.* Et de Garderoba per duas vices, viij *li.* xij *s.* iiij*d.* Summa Recepte, xij *li.* xij*s.* iiij*d.* Et sic debentur ei de istis expensis Cxiijs. vd., quos recepit et computauit per manus Thome de Buterwike clerici sui apud Netleham xvj° die Ianuarii :

Expense domini Iohannis de Benstede missi de Morpath vsque Berewycum cum dominis Iohanne Botetourte, Ad. de Welles, et Rado. de Manton pro prouisione Regis ibidem supervidendo et ordinando videlicet xxvij° die Junii, anno xxix°.

28 June. Alnewyke. Residuum de dono Ade de Welles apud Thoggehal. 29 June—3 July. Berwick. Some part of supplies, e. g. 'busca', appear as 'De Rege'. Total. 5*l.* 14*s.* 7*d.*

Expense domini Iohannis de Benstede ducend. Edwardum de Balliol et eius familiam de Whytewykes⁸ vsque Lond. per preceptum Regis, ibidem morando cum eodem per iiij dies et sic redeundo versus Regem ad partes Noui Castri super Tynam, dicto

¹ Blyth, Notts.

² Uxbridge.

³ Puckeridge.

⁴ Royston.

⁵ Alwalton, Hunts.

⁶ Little Ponton.

⁷ Aunsby.

⁸ Whitwick.

Edwardo Waltero de Aylesbir., constabulario castri de Walingford, liberato ad custodiendum in dicto castro.

4 June. Ad gentaculum. Eodem die apud Southam.¹ 5 June. Southam. Eodem die Dadington.² 6 June. Roplesham.³ 7 June. Wodestok. 8 June. Thame. 9 June. Thame. Eodem die Woxbrigg.⁴ In vadiis Ricardi ferratoris et garc. Edwardi Balliol, *iiij*d. 10 June. Woxbrigg. Eodem die London. 12–14 June London. 15 June. London. Eodem die Ware. 16 June. Croz Rois.⁵ 17 June. Ogerston⁶ and Tynewelle.⁷ 18 June. Graham⁸ and Newerk. 19 June. Toukesford.⁹ Apud Blidam.¹⁰ 20 June Wentbrigg,¹¹ Tadecastre. 21–22 June. York. 23 June. Easingwald. 24 June. Derlington. 25 June. Newcastle. In batilagio dominorum Iohannis de Droks., Iohannis de Benstede et Ro. de Manton de Nouo castro versus Tynemue, *ijs*.

In stipendio vnus garcionis missi cum litteris domini directis Regi esistenti in partes Ebor. concernentibus rumores venientes de domino Roberto de Boughersh, constabulario Douorr. Total. *22l. 3s. 11d.*

Expense domini Iohannis de Benstede missi de Kemeseie per Regem cum magistro W. Oloun vsque partes sancti Edmundi ad comitem Marescallum pro quibusdam negociis officium marescalcie Anglie tangentibus, de quibus idem Iohannes habuit responsum, *xxiiij*° die Maii, anno *xxix*°.

7 May. Alcestre and Warewyke. 8 May. Daventre, and Northampton. 9 May. Higham,¹² and Huntingdon. 10 May. Abyton.¹³ 11 May. Cestreford.¹⁴ 12 May. Berkweye.¹⁵ 13 May. Ware. 14–23 May. Westminster. 24 May. Ware. 25 May. Bokingham. 26 May. Brackleye. 27 May. Appleby.¹⁶

In stipendio vnus garcionis missi cum litteris domini directis Regi super expedicione negocii, pro quo missus fuerat per ipsum

¹ Southam, Warwickshire.

² Deddington, Oxfordshire.

³ Rousham.

⁴ Uxbridge.

⁵ Royston.

⁶ Ogerston, Hunts, now only a site, cf. *Place Names of Bedfordshire and Huntingdonshire*, p. 192.

⁷ Tinwell, Rutland.

⁸ Grantham.

⁹ Tuxford.

¹⁰ Blyth, Notts.

¹¹ Wentbridge, Yorkshire.

¹² Higham Ferrers.

¹³ Abington, near Linton, Cambridge.

¹⁴ Chesterford, Essex.

¹⁵ Barkway, Herts.

¹⁶ Appleby, near Ashby-de-la-Zouch.

Regem Comiti Mareschallo, ijs. Item in stipendio vnus garcionis querentis dominos Iohannem Bigot et Robertum de Tateshale cum litteris Regis eisdem directis xvjd.

Item, petit restaur. vnus equi perditu eundo versus comitem Marecallum, precii xij marc.

In expensis Thome de Botrewykes clerici missi de Heyford vsque Oxon. pro negocio Regis per preceptum eiusdem et ibidem morantis per ij dies, iijs.

Summa Summarum Totius Rotuli, xxvjli. iijs. iiijd.

(2) *Exchequer Accounts*, K. R. 309 (5)—1301

Expense domini Iohannis de Benstede morantis per mandatum domini Regis iuxta latus domini Principis ad deliberandum cum aliis de consilio ipsius Principis super transfretacione sua in partes Francie ac eciam super requisicionibus et responsis diuersis in Curia Francie per ipsum Principem faciendis. Incip. viii^o die Octobris anno xxxij finiente.

8 October. Chestunte. Ad gentaculum . . . Sero apud — ad cenam. 9–22 October. London. *Noteworthy entries are*: In grosso carne, pinguedine, lacte, pomis, pro fritura hast. et potag., iijs. In cyphis ligneis, vd. In furnagio cuniculorum, vjd. In conductu vasorum pro coquina pro mora domini ibidem, xiiijd. The expenses in London averaged for 12 days 18s. 7½d.

22 October. London. Ad gentaculum. . . In zingibro, cendp., et aliis diuersis salseis ibidem emptis pro expensis domus, xxijd. Eodem die ad cenam apud Dertford. 23 October. Die Veneris Apud Roucestr. Ad prandium. In muluwell., vd. In merling., xd. In plays, vjd. In raye, iijd. In ostreis et wolk., ijd. Sero apud Sidingeburne. 24 October. Cantuar. 25 October. Ibidem. Sero apud Douorr. Auena de dono magistri Iohannis de Dam. 26–31 October. Dover. In focale pro camera et coquina, ix d. In makerell vjd. and other fish. In portagio dicti piscis domum, ob. The expenses for 7 days averaged 9s. 8¾d.

1 November. Dover. In expensis domini morantis ibidem eadem nocte cum j valletto et ij equis, familia sua existente eadem nocte apud Thremfeld.

2 November. Thremfeld. Panis de liberacione domini Principis.

3 November. Ibidem. Sero apud Cantuar. Panis de liberacione

domini Principis. 4 November. Ospring. Sero apud Rouecestr. Auena de dono domini Henrici de Cobham. 5 November. Dertford. In j conyng, iiij *d.* In ij pastell. columb., ijd. Sero apud London.

6-9 November. Westminster. In batillagio de Lond. usque Westm., jd. In pura farina frumenti empta, vd. In conductione mesarum, ijd.

10 November. Chestunte. Sero apud Benigton. 11-18 November. Benigton. In auena pro equis et in equis sodekini valletorum domini P. de Colingeburn, xxijd. *Average expenses for 8 days, 10s. 5d.* 19 November. Apud Croyrois. Sero apud Cantebrigg. Clericis cantantibus Aue Rex genitor, jd.

Summa totalis Rotuli, xvij *li.* xvij *s.* vd.

(3) *Exchequer Accounts*, K. R. 309 (6)—1304

Residuum vltimum compoti redditu in garderobam domini Regis de expensis domini Iohannis de Benstede factis in comitua domini Principis per preceptum domini Regis, et de hinc redeundo ad Curiam, et remanserunt iste v^{que} dies propter mutacionem istius anni presentis, videlicet Anni xxxiiij.

20 November. Cantebrigg. In feno et auena pro x equis, xd. Sero apud Gomcestr.¹ 21 November. Ogerston.² Sero apud Staunford. In feno pro xx equis, quorum ij Laken., xij *d.* ob. 22 November. Billesfeld.³ In puddyng et Eauthich, iijd. In conductione duorum guydorum ante auroram diei, ijd. ob. Sero apud Navenby. 23 November. Lincoln. Sero apud Nettelham. 24 November. Halton iuxta Humbre. Eodem die in passagio Thome pistori vltra Humbre, iijd. Sero apud Barton

Summa Totalis, lxxiijs. vjd. q.

(4) *Exchequer Accounts*, K. R. 309 (7)—1304-5

Expense domini Iohannis de Benstede missi de Lincoln. vsque London. cum magno sigillo domini Regis et ad morandum ibidem cum aliis de consilio Regis ibidem congregatis ad tractandum super diuersis negociis ipsum Regem et regnum tangentibus.

7 January. Navenby. 8 January. Graham.⁴ 9 January.

¹ Godmanchester.

³ Bitchfield.

² Orton, Hunts.

⁴ Grantham.

Wythom Temple.¹ 10 January. Stanford. 11 January. Stylton.² Auena de dono domini Iohannis de Borham. 12 January. Gomcestr.³ In brahon, *vd.* 13 January. Kaxton. In anguill., pikerell., et sprotis, cum portagio et cariagio de Huntington vsque Kaxton,⁴ *vs. vjd.* 14 January. Croirois.⁵ Auena de dono Rogeri de Sutton, clerici de Cancellar. Residuum de dono Prioris. 15 January. Ware. 16 January. London. In expensis iiij^{or} hominum precedentium London. ad prouidendum ibidem et emend. cibum domini, *xd. ob.*

The average daily expenses thus far were 20s. 6*d.* Benstede remained in London till 28 February, when the account ends. The average daily expenses were a little over 18*s.* On 17 January he was 'iuxta ecclesiam sancti Dunstani' (probably St. Dunstan in the West). On 30 January he was Apud Novum Templum. Noteworthy items are: In sturgon et volk, *xvjd.* In alaudis, perdricibus et aliis volucris de riuera,⁶ *xviijd.* In duro pisce, morucis et aberdene,⁷ *ijs.* In j conyng., *vd.* In iiij capon., *xijd.* In perdricibus, vodekok et aliis minutis volucris, *xiiijd.* In merlingis, codling., et gurnard, *ijs.* In pisce aque dulcis, *xxd.* In cercell.⁸ et Wodecok, *vjd.* Charges for boat hire occur frequently, e. g. 20 January. In batillagio domini de Novo Templo vsque Westm. et redeundo, *iiijd.* 1 February. In batillagio domini de London. vsque Westm. et redeundo per vices, *vjd.* Other boat charges are not specified, the amounts varying from 2*d.* to 6*d.*

The Total of the Account for 53 days was 5*ol.* 17*s.* 2*d.*

At the end there is an Account of special items :

Quinto decimo die Januarii in stipendio vnus garcionis euntis cum litteris diuersis domino Regi directis super certificacione rumoris de partibus Francie, *xxd.* Item, xxviii^o die Ianuarii in stipendio vnus garcionis missi de London. ad Regem cum litteris dicti domini Iohannis eidem directis super expedicionem negociorum pro quibus London. mittebatur, *ijs.* Item, in ginglybras et pyno-

¹ South Witham, where the Templars had property.

² Stilton, Hunts.

³ Godmanchester.

⁴ Caxton, Cambridgeshire.

⁵ Royston.

⁶ waterfowl.

⁷ haberden, salted or dried cod.

⁸ teal.

lad.¹ emptis ibidem, magna garderoba existente tunc in partibus Lincoln., xiijs. Item, in diuersis speciebus, videlicet gyngib., cynam., galing., croco, et pypere, xjs. Item, in xx^{ti} libris cere empt. cum factura, xjs. vjd. Item, in amigdal. et rys empt., vs. In zucra empt., vjs. iiijd. Item, in stipendio vnus garcionis missi de London. vsque Walsingham cum litteris domino Regi directis, lijs. ijd.

(5) *Exchequer Accounts*, K. R. 309 (8)—1305

Expense domini Iohannis de Benstede remanentis London. post recessum domini Regis abinde ad tractandum ibidem cum aliis de consilio Regio ibidem adunatis pro diuersis negociis eisdem per dominum Regem iniunctis. Anno xxxiiij^o.

Benstede was at Westminster from 26 April till 6 July. On 7 July he was at Derteford and on 8 July at Ospringe. The items are of an ordinary character and similar to those in the other accounts. On the first day there appear: 'In feno pro xix equis, ijs. iiijd. ob. In vadiis Rici. ferratoris et xvij garcionum, ijs. A common entry is 'In butiro et herbis' (2d. or 5d). On 31 May there is: 'In cartagio, carcagio et discarcagio j dolie vini de Vinetria usque hospicium domini, xijd. ob.' The Total for 74 days was 71l. 3s. 3d. ob.

(6) *Exchequer Accounts*, K. R. 309 (9)—1305

Expense domini Iohannis de Benstede euntis de Cantuaria vsque Burdegaliā pro quibusdam negociis sibi per dominum Regem iniunctis domino pape exponendis, et expectando in partibus Vasconie aduentum domini Ottonis de Grandisono pro consilio suo habendo super negocia pro quibus mittebatur ibidem.

Die Lune xij^o die Julii apud Douorr. In pane, xixd. In vino, xvjd. In seruisia, xviijd. In grosso carne, iijs. In poletria, xixd. In busca, vijd. In carbon., iijd. In herb., xixd. In auena, iijs. In litera, xijd. In ferrura, vd. In vadiis garc., ijs. In candel., ijd. SUMMA xviijs. vd.

Benstead remained at Dover till Monday 19th July, his daily expenses being very similar, with an average of 18s. 5d. But on Wednesday 14 July instead of meat he had: 'In allecia recente,

¹ Or 'pionad', apparently a condiment prepared from the roots or seeds of the peony.

xiiij*d.* In congre et playc., xvij*d.* In merling et hadok., xiiij*d.* In flondr. et capr. marin.,¹ xjd.'; and on Friday 16 July: 'In salmon., congr., et playc., xiiij*d.* ob. In hadok., merling et codeling, xvij*d.* In flondr., capr. marin., bars et doreis, xij*d.* On Tuesday appears the charge: In potagio et portagio, ij*d.* ob.; which is of frequent occurrence afterwards.

Die Martis sequente, xx^o die Iulii apud Whitsand. Summa, xixs. ij*d.*

21 July. Whitsand. Eodem die sero apud Bononiam.² 22 July Monstroyll.³ In passagio ad aquam, ij*d.* Sero apud Cressy.⁴ 23 July. Apud sanctum Rychium.⁵ In piris, caseo et fructu, vjd. ob. Sero apud Amyens. 24 July. Paillard.⁶ Sero apud sanctum Iust.⁷ 25 July. Clermond.⁸ Sero apud Lusarches.⁹ The average daily expenses were 18s. 6*d.*

26 July. Die Lune apud sanctum Dyonis.¹⁰ In pane viijs. In vino, xixs. In grosso carne, ixs. In poletria, vjs. vjd. In fructu, xvij*d.* In ouis, vjd. In busca, xix*d.* In feno et auena, xiijs. Eodem die sero apud Parys. In pane, xvs. In vino, xxvijs. In candel., xix*d.* In grosso carne, xvijs. In poletria, xvijjs. xd. In piris et alio fructu, ijs. In busca et salsura vijs. In feno et auena, xxvijs. In litera et ferrura, iijs. In vadiis, xvijjs. In conductione domus, xijs. Summa x li. xs. vjd.

Benstede remained in Paris till 1 August. The daily expenses were about 9*l.* The charge, In conductione domus xijs. appears each day.

1 August. Paris, In nucibus et fructu, iijs. Sero apud Payllosel.¹¹ 2 August. Apud Sanctum Arnulphum.¹² Sero apud Aygnau.¹³ Summa, xli. ijs. vjd. Tournois. 3 August. Chartres. 4 August. Boneuall.¹⁴ Sero apud Castellum de Dun.¹⁵ 5 August. Vendome. 6 August. Bullay.¹⁶ Sero apud Turs.

¹ The goat-fish, a name given to several species of fish.

² Boulogne.

³ Montreuil.

⁴ Crécy.

⁵ St. Riquier.

⁶ Paillart.

⁷ St. Just.

⁸ Clermont.

⁹ Luzarches.

¹⁰ On this day for the first time the expenses are given in Paris money.

¹¹ Palaiseau.

¹² St. Arnault.

¹³ Auneau.

¹⁴ Boneval.

¹⁵ Châteaudun.

¹⁶ Le Bullay, north-west of Châtel Regnault.

Benstede remained at Tours till 15 August. The daily expenses were about 9*l.* 5*s.*

16 August. Mountbasoun.¹ Sero apud sanctum Maurum.²
 17 August. La Bouchere.³ 18 August. La Tricherie.⁴ Sero
 apud Peyters.⁵ 19 August. Mortimer.⁶ Sero apud Plesence.⁷
 20 August. Bellak.⁸ Sero apud Neyrak.⁹ 21 August. Lymoges.
 Sero apud Piere Bufere.¹⁰ 22 August. Ville Fraunche. Sero apud
 Lusarchief.¹¹ 23 August. Daunsenak.¹² Sero apud Dominam de
 Nazaret.¹³ 24 August. Marcans.¹⁴ In passagio ad aquam versus
 Rochemadour. Sero apud Rochemadour. 25 August. Ibidem.
 Sero apud Gourdown.¹⁵ 26 August. Apud——.¹⁶ Sero apud Moi
 ——.¹⁶ 27 August. Apud——.¹⁶ In passagio de ponte, xviiij*d.* Sero
 apud sanctam Fidem.¹⁷ 28 August. Chastyloun.¹⁸ Sero apud Ley-
 burn.¹⁹ 29 August. Apud Burdegaliā. In candelis de cera, vijs.
 In vitreis et aliis ollis emptis pro vino, vjs.

Benstede remained at Bordeaux till 1 September. His expenses for two days were 2*l.* 3*s.* 2*d.*

1 September. Bordeaux. Sero apud Bleynes.²⁰ 2 September.
 La Tricherie.²¹ Sero apud——. 3 September. Pouns.²² Sero
 apud Tailleburgh. 4 September. Launeye.²³ Sero apud——. 5 Sep-
 tember. Lasinan.²⁴ Sero apud Peyters. 6 September. Chaustel
 Reaud.²⁵ Sero apud la Buchere.²⁶ 7 September. Turs. 8 September.
 Auton.²⁷ Sero apud Vendome. 9 September. Cloyes. Item
 apud Chastel Dun in vino pro famulis et pane pro equis, viijs.

¹ Montbazou.

² Ste. Maure.

³ L'Île Bouchard.

⁴ La Tricherie, south-west of Châtellerault.

⁵ Poitiers.

⁶ Mortemer.

⁷ Plaisance.

⁸ Bellac.

⁹ Veyrac.

¹⁰ Pierre Buffière.

¹¹ Uzerche.

¹² Donzenac.

¹³ Nazaret in Limousin, north-west of Turenne.

¹⁴ Martel.

¹⁵ Gourdon.

¹⁶ The clerk has left these names, which apparently he could not decipher.

¹⁷ Ste. Foy-la-Grande.

¹⁸ Castillon.

¹⁹ Libourne.

²⁰ Blaye.

²¹ *Sic*, probably La Bergerie, dep. Charente-Inférieure, here confused with La Tricherie, dep. Vienne.

²² Pons.

²³ Aulnay.

²⁴ Lusignan.

²⁵ Châtellerault.

²⁶ L'Île Bouchard.

²⁷ Authon, between Tours and Vendôme.

Sero apud Boneuall. 10 September. Chartres. Sero apud Nogent. 11 September. Ibidem. Sero apud Hodan.¹ 12 September. Mauntes. Sero apud ——. ² 13 September. Chaampus.³ Sero apud ——. ² 14 September. Poys.⁴ Sero apud Sanctum Richium.⁵ 15 September. Maunteneye.⁶ Sero apud Sanctum Joize.⁷ 16 September. Apud Nouum Castrum.⁸ Sero apud Whitsand.

17 September. Douorr. 18 September. Apud Cantuar. Sero apud NeuWynton.⁹ In conductione haken. de Douorr. vsque Newynton, iij*s*. vjd. 19 September Grauesende. In passagio ibidem vltra aquam, xd. In conductis haken. de Newynton vsque Hauering atte Bure, iij*s*. viij*d*.

20 September. London. In pane, xvjd. In vino, xvij*d*. In seruicis, xiiij*d*. In candel., ij*d*. In allec., viij*d*. In moruc. et duro pisce, ix*d*. In flundr. et capr. marin., xjd. In j luc., iij*s*. In potag. et portag., ij*d*. In busca et sals^a, xd. In litera, xvjd. In cirpis, viij*d*. In batillag. et portag., viij*d*. In fen. et auen., iiij*d*. In vadiis, xiiij*d*. Summa, xv*s*. ij*d*.

Benstede remained at London till Wednesday 29 September. The total expenses for the last nine days were 6*l*. 1*9s*. 0½*d*. Amongst the entries appear: In parvis volucr., viij*d*. In playc. et congre, xvii*d*. In perdric. et columbell., xij*d*. In perdric. et alaud., xvii*d*. In furnag. pastell., viij*d*. In gall. siluestr. et perdric., xvii*d*.

At the end there follow particulars of special expenses: Vicesimo die Iunii apud Douorr: In quadam nave conducta ad portand. equos et harneys domini, vna cum quodam batello conducto ad portandum dominum, liij*s*. iiij*d*. Item in portagio domini cum famulis et harneys de litore maris vsque nauem, iij*s*. iiij*d*. Item in pontagio et portagio equorum, iij*s*. ix*d*. Item apud Whitsand: In batillagio et portagio domini et famulorum et harneys. iiij*s*. iiij*d*. Item pro custuma iiij malect. et j eq. ducent. in dextra, iiij*s*. iiij*d*. Item in pontagio ibidem, viij*d*. ob. St. Item Parisiis pro expensis Guillot., Nuncii Regis deferentis litteras predicti domini Regis domino Otoni de Grandisono directas et eundem querentis in partibus Tolosanis, xl. viij*s*. par. Item in sucer, in plat. et aliis

¹ Houdan. ² Again blank. ³ Cempius, near Grandvilliers.

⁴ Poix de Picardie. ⁵ St. Riquier.

⁶ Maintenay on the Authie. ⁷ St. Josse.

⁸ Neufchatel, near Harelol. ⁹ Newington.

speciebus emptis pro domino eunte versus Burdegaliā, *xl. viijs. par.* Item nuncio domini Otonis de Grandisono venienti ad dominum in partes de Rochemadour cum literis domini sui directis dicto domino Iohanni pro negociis Regis, *lxs. st.* Item Burdegaliē in redeundo de Papa in minutis speciebus emptis pro domino, *vij li. xs. St.* Item apud Whitsand redeundo vsque Angliā in quadam naui conducta ad portand. dominum, famulos et harneys, *iiijs. vjd.* In perdicione diverse monete escambiate in partibus transmarinis *xiiijs. st.* Vicesimo quarto die Augusti in perdicione vnus palefridi domini nigri apud Markans eundo de Rochemadour usque Burdegaliā, *C.s.* Item *vj^{to}* die Septembris in perdicione vnus somerii griselli apud Chaustel Reaud, *C. s.*

Summa totalis per istum Rotulum in *st.* fuit *xl.li xs. viij d.* It. in *Par.* *clij li. vjs. xjd.*, qui valet in *st.*, *ixd.* *Par.* comput. pro vno *st.*, *xvj li xviijs. vjd. ob.* Item in *Turr.* *ccciij^{xx} xvli. xviijs.*, qui valent in *St.*, *xjd.* *nigr. comput.* pro vno *st.*, *xxxvli. xixs. viij d. ob.* Et sic est Summa totalis istius Rotuli in *st.* *iiij^{xx} xiiij li viijs. xjd.*

Summa expensarum *vij* equorum apud Whitsand perhend. sicut patet in cedula huic annexa *iiij^{xx} xv li. xijs. vj d.* *Par.*, qui valent in *St.*, *Par.* valentibus ut prius, *xl. xijs. xd. ob.* Et sic est Summa Totalis istius Rotuli in *St.* *Ciiij li. xxj d. ob.*

CEDULA.

In expensis *vij* equorum domini someriorum perhend. apud Whitsand a *xvij* die Septembris usque *xxvj^{tam}* diem Octobris videlicet per *xl.* dies, primo die et ultimo computatis, soluendo per diem pro feno et auena et litera pro quolibet equo *vs. vjd.*—*lxxvli ij s. vjd.* *Par.* Item in vadiis *iiij^{or}* garcionum dictos equos custod. per idem tempus pro quibus per diem *ijs.*—*xvj li.* *Par.* Item in ferrura et mar.¹ per idem tempus pro predictis equis *iiij li xiijs.* *Par.*

Summa totalis in *Par.* *iiij^{xx} xvli. xijs. vjd.*, qui valent in *St.* *ixd.* *Par.* pro *jd.* *St.*, *xl. xijs. xd. ob.*

(7) *Exchequer Accounts*, K. R. 309 (10)—1305-6

Expense domini Iohannis de Benstede missi de London. vsque Lugdunum per dominum Regem in comitatu quorundam aliorum magnatum &c. ibidem per dominum Regem missorum pro diversis

¹ marescalcia.

negociis ipsum dominum Regem tangentibus et domino Pape ibidem exponendis.

Die Veneris, xv^{to} die Octobris apud London. Benstede remained at London till 24 October, his total expenses being 9*l.* 13*s.* 9*d.* One item is In volkes et capr. marin.,¹ xij*d.*

24 October. New Wynton.² 25 October. Douorr. In maular et perdric., xvd. ob. 26 October. Whitsand. Expenses xij*l.* xij*d.* Paris. 27 October. Apud Bononiam. In pane pro gentaculo famulorum, equorum et someriorum, iij*s.* vj*d.* In passagio ad aquam apud Monstroyll. Sero ibidem. 28 October. Cressy. Sero apud sanctum Rychium.³ 29 October. Amyens. 30–31 October Iuyt.⁴ In albo pinguedine pro equis, iij*s.* 1 November. Parys. 2 November. Apud Sanctum Maurum.⁵ Sero apud Funteneye.⁶ *The average expenses for the last seven days were about 16*l.* Paris.*

3 November. Provyns.⁷ Cuidam garcioni precurrenti pro hospicio domini ibidem capiendo, xiiij*s.* 4 November. Pauilloun.⁸ Cuidam garcioni &c., viij*s.* 5 November. Bars supra Seyne. In mundacione domus et camerarum domini, iij*s.* In feno auena et furfura pro palefridis, viij*l.* xiiij*s.* Garcioni precurrenti &c., vj*s.* 6 November. Mountlambert 9 . . . Garcioni precurrenti &c., vs. 7 November. Flory.¹⁰ 8 November. Beaune . . . Garcioni precurrenti &c., vj*s.* In pinguedine pro equis, iij*s.* 9 November. Chalons. . . In pisce recenti empto et in vasis pro eodem imponendo ad portandum cum domino, xxx*s.* 10 November: Ibidem. In pane pro gentaculo quorundam vallettorum transeuntium cum domino per aquam versus Mascun,¹¹ vs. Item in expensis equorum transeuntium per terram et j garcionis precurrentis pro hospicio capiendo, xij*s.* In vadiis Ricardi ferratoris, custodis equorum domini ibidem perhendingantis, iij*s.* In vadiis garceonum xxx*s.* vj*d.* (*as before*). 11 November. Ibidem. Ad prandium &c. Eodem die sero apud Beleuill.¹²

From this date till 5 March 1306 the expenditure is in Vienne

¹ goat-fish.

² Newington.

³ St. Riquier.

⁴ ? St. Just.

⁵ St. Maur.

⁶ Fontenay.

⁷ The expenses are now in Tournois. The average from 3 November to 11 November being 16*l.* 2*s.* 10*d.*

⁸ Pavillon (north-west of Troyes).

⁹ ? Montbard.

¹⁰ ? Flavigny.

¹¹ Mâcon.

¹² Belleville.

money. During the whole of this time Benstede was at Lyons. The average daily expenses were, 23*l.* 3*s.* 10*d.* Viennois. For Friday 12 November the expenses were: In pane, xxv*js.* In vino, xxviii*js.* In pisce, *ls.* In amigdal., iii*js.* In fruct., i*js.* v*jd.* In sal. et salsura, iii*js.* In potag. et portag., ii*js.* v*jd.* In busca, xv*s.* In candel., iii*js.* In stipend. hominum portant. harneys domini de aqua vsque hospicium, iii*js.* In litera, xv*s.* In ferrura, xi*js.* In expensis garcionis precurrentis pro hospicio domini capiando, x*s.* In feno et auena, vii*js.* *li.* x*s.* In vadiis R. ferratoris iii*js.* x*d.* In vadiis garcionum, xxxviii*js.* j*d.* Summa xix *li.* ix*s.* x*d.*

Other noteworthy items are: In reparacione stabuli domini, xls. (on 13 Nov.) In litera pro aula et cameris, vii*js.* In pistura tartarum, xi*js.* In ciphis ligneis emptis, i*js.* v*jd.* In sucro et reisuns, vii*js.* In furnagio pastell., vs. In croceo et oleo, v*js.* In vino de Vernache xii*js.* (*occurs twice*). In rys et amigdad, x*js.* (*occurs fairly often*). In vadiis R. Ferratoris, garcionum et pagetarium de novo venientium, xlii*js.* j*d.* ob.¹

5 March. Apud Ville Fraunche.² The money is now Tournois till 17 March, with a daily average of 16*l.* 4*s.* 5*d.*

6 March. Beluill.³ 7-9 March. Mauscun.⁴ 10 March. Jagun.⁵ 11 March. Otoun.⁶ 12 March. Salu 7—. Garcioni precurrenti, &c. v*js.* 13 March. Auelien.⁸ Garcioni precurrenti, v*js.* 14 March. Aucorue.⁹ Garcioni precurrenti, v*js.* 15 March. La Ville Noesue le Roy.¹⁰ 16 March. La Ville Noeue Gyard.¹¹

From 17 March to 25 March the account is in Paris money with a daily average of 12*l.* 6*s.* 1*d.*

17 March. Melun. Garcioni precurrenti &c., vs. 18 March. Parys. In oleo uncto et speciebus emptis pro equis infirmis, x*s.* Garcioni precurrenti &c. vs. 19 March. Ibidem. In amigdal. et speciebus pro coquina, vii*js.* ix*d.* 20 March. Ibidem. Sero apud Luarches.¹² Garcioni precurrenti, iii*js.* 21 March. Apud san-

¹ The previous charge at Lyons was 42*s.* 10*d.*

² Ville Franche sur Saône.

⁴ Mâcon.

⁷ Saulieu.

¹⁰ Villeneuve sur Yonne.

¹² Luzarches.

⁵ Digoïn.

⁸ Avallon.

³ Belleville.

⁶ Autun.

⁹ Auxerre.

¹¹ Villeneuve la Guyard.

ctum Juyt.¹ 22 March. Amyens. 23 March. Apud sanctum Richerum.² 24 March. Mounstroyt. 25 March. Whitsand.

The remainder of the account is in sterling with a daily average of 24s. 10d.

26 March. Douorr. 27 March. In gentaculo vallettorum apud Cantuar., viij d. ob. In feno et auena pro someriis domini, vd. Sero apud Newynton. 28 March. London. In ostreis, vjd. 29 March. London. Sero apud Stanes. 30 March. Basyngestoke In ij pykerell emptis, xvjd. 31 March-7 April. Wynton. In pisc. aq. dulc., xij d. In cresson ijd. In wolkis et capr. marin., xiijd. In volatil., xijd. 8 April. Basyngestoke. 9 April. Stanes. 10 April. London. In cirpis pro aula, viijd.

Expense domini Iohannis de Benstede euntis de London. vsque Wynton ad certificandum ipsum Regem super ordinacionem factam London. per consilium Regis de quibusdam magnatibus Regni euntibus in Scot. ac super preparacionem factam de noua milicia domini Principis.

12 April. Guldeford. In flore dominica, ijd. 13 April. Wynton. In carne arietum et porcorum, xvijjd. 14 April. Guldeford. Total for three days. 3l. 19s. 9½d.

Apud Douorr. eundo versus Lugdunum. In vno magno batello conducto ad portand. dominum, familiam et harneys suum cum portagio eorundem ad aquam, xliiis. xd. Item in vna navi conducta ad portand. equos domini, liijs. iiijjd. In pontagio et portagio equorum, xxijd. Et apud Whitsand in custuma triginta hominum quinque harneys et ij mallettarum, viijs. ijd. In batillagio domini, familie, et harneys cum portagio eorundem, iiijjs. iiijjd. Item in conductione hospicii domini, vasorum et lectorum pro famulis domini per xvij septimanas per quos stetit Lugd., videlicet pro qualibet septimana iiij florin., lxxij florin. Qui valebant ibidem in St. xxiiij marcas, videlicet iij florin pro j marca. Item in cera empta, eundo, morando et redeundo, C. solid. st. Item in gyngebras, pynolad. et aliis electuariis cum diuersis speciebus emptis pro hospicio domini per idem tempus, v marcas. Item apud Whitsand redeundo versus Angliam: In vno batello conducto ad portand. dominum cum famulis et harneys suis cum portagio eorundem, xlviiiis. Item in vna magna navi conducta ad portand.

¹ St. Just.

² St. Riquier.

equos domini, liijs. vjd. In pontagio et portagio, ijs. ix^d. Item pro custuma quinque harneys et vnus fardell cum j malett., iijs. iiij^d. In portagio, xvij^d. Item, eodem die sero apud Douorr., in batillagio et portagio domini, famulorum, et harnies ad terram, vs. iiij^d. In ij scriniis coreis ferro ligatis emptis pro litteris domini Regis et principis domino Pape et cardinalibus directis imponendis, iijs. In pergameno empto, ijs. Item in perdicione diuerse monete recepte de Societate Frescobald. per totam moram dicti domini Iohannis in partibus transmarinis Cxs. St. SUMMA: xljli. xs. vij^d.

In tergo :

Summa totalis expensarum per istum Rotulum tam in sterling. quam in alia moneta conuersa in Sterlingo: CCiiij^{xx} iijli xixs. vij^d.

Item allocantur domino Iohanni de Benstede pro restauro duorum palefredorum et quinque someriorum quos perdidit in Itinere predicto, pro quolibet palafredo C. s. et quolibet somerio, xls.—xxli.

Item allocantur eidem pro expensis suis per v^{que} dies, xx^o die Nouembris, anno xxxiiij^o incipiente, primo computato, eundo in comitiua principis de Lond. vsque Douorr. pro passagio eiusdem ordinando et pro aliis negociis sibi per eundem iniunctis, lxxiijs. vd.

Item allocantur pro aliis expensis suis eundo per preceptum domini Regis de Lincoln. vsque London. cum magno sigillo Regis et alia negocia ibidem faciendo pro Rege, anno xxxiiij^o, liijli. xjs. iiij^d.

Item allocantur eidem pro expensis suis eundo per preceptum Regis de Cantuar. vsque Burdegal. ad dominum papam pro quibusdam negociis Regis, anno xxxiiij^o, Ciiijli xxjd. ob.

Item allocantur eidem pro expensis suis morando London. post recessum Regis ab inde mense Aprilis anno eodem ad tractandum cum aliis de consilio Regis ibidem, lxxli ijs. iiij^d. Summa totalis allocata predicto domino Iohanni per particulas predictas, Dxxxvjli. xs. iiij^d. Inde recepit per manus Thome de Boterwykes clerici sui apud Westm. xxiiij^o die Octobris, anno xxxiiij^o, xxxli. ; per manus Mercatorum de Societate Bollardorum pro ccli. turonum nigrorum lib. eidem per eosdem mercatores Parisiis, mense Nouembris anno eodem, xvjli. xvjs. xd. Item per manus Mercatorum de Societate Frescobaldorum lib. ei denar. per vices apud Lugdunum, anno xxxiiij^o, Cvij li. xviijs. ix^d.

Item recepit per diuersa prestita cancell. in vno parcello libro de prestitis priuatis anno xxxiii^o, lxiiijli. xiijs. iiij^d. Item recepit

per manus Mercatorum de Societate Bollardorum liber. ei denar. Parisiis, mensibus Iulii, Augusti et Septembris, anno xxxiiij^o, ut Thomas de Buterwikes clericus suus recognovit super computum, *C.li*. Item recepit in pretio panni, pallure, sindonis, carde canabi et aliis lib. eidem per dominum Iohannem de Hustweyt, nuper clericum magne garderobe Regis de stauro eiusdem garderobe vt idem Thomas recognouit et exhibuit particulas liberacionis super presentem computum, *lj.li. iijs. xjd. ob.* Item recepit per manus Thome de Buterwikes receptoris domini de domino Waltero de Bedewynd de apud Ebor. mense Octobris, anno xxxiiij^{to}, iiij marcas. Summa Recepta, CCCiiij^{xx} *li. vs. ijd. ob.*

Et sic debentur ei per istum computum factum cum Thoma de Buterwikes, clerico suo, apud Lanercost, xj die Ianuarii, a^o xxxv^o, Clij *li. vs. jd. ob.*

Item debentur eidem pro denariis per ipsum solutis Roberto de Vienna super vadiis suis, *xls.* Item debentur eidem per recognitionem Ricardi de Monte Pessulano famulo in garderoba, die sancti Edwardi Regis, anno xxxij^o, *iiij.li.* Item pro carne empto de Alexandro de Norum . . . eiusdem Iohannis, mensibus Aprilis et Maii, anno xxxiiij, per duas billas, videlicet vnam cont. *x.li xijs. iiijd.*, et aliam continent. *xxvs.—xj.li. xvijs. iiijd.* Item debentur eidem pro robis suis hiemalibus et estivis, anno xxxij^o. Item debentur eidem de quodam compoto suo vsque finem anni xxxij^o, sicut patet in libro de compotis, *lixs. viijd. ob.* Et sic est Summa totalis debita predicto domino Iohanni per computum istum, Ciiij^{xx} *ij li. viijs. xd.*

Addition in another hand :

Item allocantur pro tribus equis Regi venditis anno xxxij, sicut patet titulo de necessariis eiusdem anni, *xxiiij lib. xiijs. iiijd.* Inde recepit de domino Iohanne de Droken. apud London, mense Augusti anno regni Regis E. filii Regis E. primo per manus domini, W. de Glouc. Esc. Regis citra Trentam, . . .¹ Bollard. lib. ei den. pro dicto domino I. de Droken. qui den. debuit allocari eidem in comp. suo, *C. li.*

Et sic debentur eidem de claro adhuc Cviii^{li.} *ijs. ijd.* Probat.
Bensted. Anno xxxiiij^o

¹ The entry is ill-written, and a word here is undecipherable.

THE NEGOTIATING OF THE TREATY OF LEAKE, 1318

THE importance of the treaty of Leake, which prepared the way for the parliament of York in October 1318, has long been recognized,¹ but the exact course of the lengthy negotiations by which the treaty was achieved has never been clearly determined. The negotiations seem to have begun at least as early as April 1318:² the treaty itself was concluded in August. Much that happened between those two dates remains obscure. Valuable additional information, however, may be gathered from certain documents preserved in the archives of the Dean and Chapter of Canterbury: these documents were printed by the Historical Manuscripts Commission,³ in a report drawn up by Dr. R. L. Poole, but as they seem to have been overlooked hitherto, it is desirable to reconsider the whole story in the light of their evidence.

The negotiations appear to have begun with a conference at Leicester. There has been some disagreement among historians about this gathering. Ramsay is of opinion that there were several conferences at Leicester, some prior to 12 March 1318, others 'in the course of April'.⁴ Professor Tout notes that 'a numerously attended assembly was held at Leicester in April', and concludes that there must have been another one in the

¹ Stubbs, *Const. Hist.* ii (4th ed.), 359-60; Tout, *Edward II*, pp. 121-3; J. Conway Davies, *Baronial Opposition to Edward II*, pp. 444-9.

² Tout, p. 119; Davies, p. 445.

³ Hist. MSS. Comm., *Report on MSS. in Various Collections*, i. 267-70.

⁴ *Genesis of Lancaster*, i. 90.

same place in July, this time between Lancaster and the prelates.¹ Mr. Conway Davies, on the other hand, understands the various allusions in the chronicles to 'refer to one and the same meeting'.² The chroniclers who speak of the meeting are four. The most definite account is given by Bridlington, who says that on 12 April 'a parliament' was held at Leicester, attended by the archbishop of Canterbury and five bishops (one of whom was Sandall, bishop of Winchester, who was chancellor), the earls of Lancaster, Pembroke, and Hereford, twenty-eight barons, and two justices; he then gives a list of the articles of pacification which were agreed upon.³ The second chronicler who refers to the conference at Leicester is Robert of Reading. He records that a council of cardinals, bishops, and barons met Lancaster at Leicester—he mentions no precise date, but his account seems to imply that the meeting was subsequent to the capture of Berwick by the Scots on 2 April—and that after some discussion with the earl, all and sundry swore anew to observe the ordinances.⁴ The third chronicler who mentions a meeting at Leicester is the 'monk of Malmesbury', who states that certain prelates, earls, and barons acting on the king's behalf met Lancaster's councillors at Leicester; that the earl 'ad nichilum penitus inclinari potuit sine plenaria observatione ordinationum'; and that the king's representatives finally 'concesserunt pro domino rege et pro se ordinationes universas fideliter observari'.⁵ It is upon this passage that Ramsay bases the supposed meeting in March. Now it is true that

¹ *Op. cit.*, p. 119-21.

² *Op. cit.*, p. 445, note 1.

³ *Chron. of Edward I and Edward II* (Rolls Ser.), ii. 54-5.

⁴ *Flores Historiarum* (Rolls Ser.), iii. 183-4.

⁵ *Chron. of Ed. I and Ed. II*, ii. 233.

a marginal note in the Rolls Series edition of Malmesbury does say ' March. Council at Leicester ', but it is a mere editorial insertion : the chronicler himself gives no definite date ; his remarks in their context merely imply that the Leicester meeting came at some point between January and June 1318. His statement in other respects agrees so perfectly with those of Bridlington and Robert of Reading as to leave little doubt that the three writers are really referring to one and the same event, the meeting which assembled at Leicester on 12 April.¹ The fourth chronicler who mentions the gathering is the local annalist Henry Knighton. He states that in 1318 certain articles were discussed and agreed upon at Leicester between Earl Thomas and the clergy, that these articles were subsequently ordained and confirmed in London, and returned to the earl at his castle of Tutbury by the hands of the bishops of Norwich and Ely : he then gives a number of ' dicta praelatorum ', with Lancaster's observations on each one.² These ' dicta ' and answers, as Dr. Tout has observed, are of considerable interest. Unfortunately they also have been variously interpreted. Ramsay regards them as ' a detailed report ' of the proceedings at Leicester on 12 April,³ and Mr. Davies seems to take much the same view ;⁴ Dr. Tout, on the other hand, regards them as the record of a conference which ' must have been . . . held ' at Leicester some time in July.⁵ Now it is true that they do several times mention a parley at Leicester ; but they refer to it as something in the

¹ It is known that on 29 March the chancellor, Sandall, Bishop of Winchester, left London for Leicester by the king's command ; *Parl. Writs*, II. ii, App. p. 122.

² *Chron. Henrici Knighton* (Rolls Ser.), i. 413-21.

³ *Op. cit.*, pp. 90-1.

⁴ *Op. cit.*, p. 445.

⁵ *Op. cit.*, pp. 120-1.

past. Thus the prelates suggest that Lancaster should not only receive a safe-conduct from the king, but also que lez prelatys e lez grantz que *estont* a Leycestre auxint par lour lettres asseurent le dite conte e lez seonz sur mesmes les chosez.

In his reply to this the earl remarks that

quant a la soerte dez autres grantz quae *furent* a Leycestre il nous semble que nous ne poems de tut fyere, puis que ascuns de eux que illocques *furent* ount dedit lour serement qils *fyrent* a Leycestre en voz presencez.¹

As the 'dicta' and answers thus refer back to what had been done and said at Leicester, it is difficult to avoid the conclusion that they are a record, not of the proceedings of any meeting at Leicester, but rather, as Stubbs thought and as Knighton says, of the further *pourparlers* which subsequently took place at Tutbury.²

It seems clear therefore that Mr. Conway Davies was right in thinking that there were not several conferences at Leicester, but only one, which met on 12 April 1318. It would be interesting to know whether Lancaster was himself present on that occasion. Bridlington and Robert of Reading say that he was: Malmesbury seems to imply that he was not, but that he acted through his 'councillors'. The profound suspicion shown by Lancaster in the subsequent discussion at Tutbury suggests that he may very well have avoided coming to Leicester in person, and a record in the Leicester borough accounts for 1318

¹ Knighton, i. 416-17. The italics are ours. Compare also: 'come *fuist accordes* a lez perlanchez a Leycestre' (p. 414); 'sicome *fuist parle* a Leycestre' (p. 418); 'come *fuist parle* a Leycestre' (p. 419).

² *Chron. of Ed. I and Ed. II*, ii. Introduction, p. lxxxi. The text as given by Knighton is not altogether satisfactory: on p. 418 of the printed version, the first of the two passages headed 'Dicta Praelatorum' is a conflation of two lines of a *dictum* of the prelates with eleven lines of what must have been a 'responsio comitis'.

of payments made to as many as nine messengers of the earl 'quando concilium fuit in villa'¹ rather confirms the supposition that he may have been conducting the negotiations from some vantage point outside Leicester. However that may be, it is at any rate possible, by taking the statements of Bridlington, Robert of Reading, and Malmesbury together, and noting the references to the Leicester conference made in Knighton's record of the Tutbury conversations, to form a reasonably clear idea of the articles adopted at Leicester in April 1318. The points then agreed upon appear to have been somewhat as follows :

1. The ordinances to be faithfully observed in every particular. This was sworn by those present, and was evidently regarded by Lancaster as a *sine qua non*. [Bridlington, Malmesbury, Reading, and Knighton.]
2. Evil counsellors of the king to be removed.² [Bridlington.]
3. All lands given by the king contrary to the ordinances to be taken into the king's hand. [Bridlington, Knighton.]
4. That all those who had received lands of the king's gift be attached to account for the issues at the exchequer, and that they give security to appear at the next parliament to receive judgement of the peers of the land concerning 'terris et aliis rebus post ordinationes de dono regis habitis et receptis'. [Bridlington, Knighton.]

¹ Bateson, *Records of the Borough of Leicester*, i. 317.

² According to Bridlington, the two Despensers were to be provided for thus—'quod ambo morabuntur de retinentia comitis Lancastriae cum c^{cl}¹⁸ equitibus, sumptibus suis propriis ad terminum vitae suae'.

5. That all trespasses committed by Lancaster and his followers be pardoned by charter, and that all Lancaster's men imprisoned by the king's officers be released. [Bridlington.]
6. That Lancaster should promise 'debitam fidelitatem et securitatem' to the king and the king's friends, 'excepta querela quam contra comitem Warenniae de raptu uxoris dudum instituit'. [Malmesbury.]
7. That Lancaster, under proper guarantee, should meet the king in some convenient and safe place for an interview. [Knighton.]

It has been seen that the articles agreed upon at Leicester were subsequently taken back to Lancaster at Tutbury by the bishops of Norwich and Ely for further negotiation. Knighton's record of these conversations indicates that they turned mainly on two points. The first was the question of resuming the lands and gifts granted contrary to the ordinances. The two bishops endeavoured to persuade the earl to agree that there should not be an absolute resumption, but that parliament should be left to decide whether or not each grant was 'convenable', and then allow it to stand or not as seemed reasonable. To this Lancaster refused to agree, demanding that '*les dites choses furent mises en oüre si come fuist accordes a lez perlancez a Leycestre*', and that all the issues should come to the exchequer for the king's use.¹ The bishops then tried to get him to agree that those who had received such grants and now returned them should not suffer any indignity or punishment for having received them. To this the earl refused to agree as being contrary to the oaths which he and the bishops

¹ Knighton, i. 413-14.

had sworn to carry out the ordinances, 'car les ordinaunces voilent que ceux soient punis en parlement' (he then quotes the relevant ordinance).¹ On the first point, the question of resumptions, Lancaster thus took up an unbending attitude in the conversations at Tutbury recorded by Knighton. The second matter discussed was the guarantee to be given to Lancaster against treachery when he came to meet the king. The bishops suggested that royal letters patent of safe conduct be issued. The earl replied that past experience had taught him that he could not rely on such safe-conducts so long as evil councillors remained with the king. The bishops then suggested that the 'grantz' who had been at Leicester should also give letters of guarantee to the earl and his men. Lancaster replied that some of those who were present at Leicester had since gone back on the oath which they had taken there, and had sworn anew and joined together to maintain those who had given the king evil counsel: their guarantee could therefore not be trusted. The bishops then suggested that those persons in particular whom Lancaster distrusted should give letters guaranteeing to do him no harm on pain of excommunication. To this Lancaster answered that he could accept no guarantee from those whom he mistrusted. The bishops then proposed that these persons whom the earl mistrusted should absent themselves when he met the king, and that he should agree to receive his enemies to his friendship provided that those who were proved to have offended against him make reasonable amends. Lancaster answered that he did not desire that the suspected persons should absent themselves, but that they should be removed, in accordance with the ordinances;

¹ Knighton, i. 414-15.

unless they were removed, their mere absence from the interview would be no guarantee of safety to him (he then quotes the relevant ordinance about the removal of evil councillors): as for receiving his enemies to his friendship, he says he cannot do that, without breaking his oath, until 'lez chosez qils ont myspris contre le state le roy al damage de luy et de son people soient arestez par agarde de pieres en parlement, si come il est contenue en lez ordinauncez'.¹ Here again, as in the matter of resumptions, Lancaster in the conversations recorded by Knighton takes a firm stand for the ordinances and nothing but the ordinances.

The great difficulty is to know when exactly these conversations took place, for Knighton does not mention a date: he merely says that certain articles were agreed upon at Leicester, and that these articles

postea fuerunt ordinati et confirmati Londoniae per cardinales, archiepiscopos Cantuariæ et Dunelmiae² et alios praelatos provinciae Cantuariensis; qui retornati sunt ad dictum Thomam comitem apud castellum suum de Tuttebery per episcopos Norwycensem et Elyensem.³

It is fortunately possible to fix the date when the Leicester articles were confirmed in London. The Annals of St. Paul's record that on 8 June

dominus rex et archiepiscopus et episcopi, comites, et barones, venerunt apud Sanctum Paulum Londoniis, et in pulpito juxta magnam crucem in navi ecclesiae, episcopus Norwicensis pronuntiavit quod dominus rex vellet omnino adhaerere et coaptare se consilio et auxilio comitum et baronum suorum.⁴

¹ *Ibid.*, pp. 415-21.

² Presumably a mistake for Dublin; cf. the document printed in *Eng. Hist. Rev.*, xxxiii. 81-3.

³ Knighton, i. 413.

⁴ *Chron. of Ed. I and Ed. II*, i. 282.

The annalist's account is confirmed and explained by a letter of Archbishop Reynolds to the prior of Canterbury: writing from Lambeth on 9 June he announces 'quod dominus Rex vie pacis innite annuit amplectende apud Leicestr' prelocute'.¹ Taken together, this evidence establishes the fact that the articles agreed upon at Leicester were ultimately accepted and confirmed by the king on 8 June 1318 in a solemn assembly in London. What had been going on in the meantime?

An obvious possibility is that the Tutbury conversations recorded by Knighton may have occurred during this longish interval. The evidence as it stands, however, seems rather to indicate that they took place not before but after the ceremony in London on 8 June. That is the order in which the events are mentioned by Knighton: he first records the confirmation of the articles at St. Paul's, and then goes on to say that they were returned to Lancaster at Tutbury. Again, the object of the negotiations was to prevail upon Lancaster to accept modifications of the ordinances: now the king would be in a better position to raise this difficult question after the ceremony at St. Paul's than he had been before, for it is known that this ceremony was accompanied by an agreement in which not only the archbishops of Canterbury and Dublin but

¹ Hist. MSS. Comm., *Report on MSS. in Various Collections*, i. 267. The year is not stated, but there can be little doubt that Dr. R. L. Poole was right in assigning the letter to 1318. He remarks in a foot-note that he 'gives the date doubtfully, since it may be questionable whether the place of the king's meeting with the earl of Lancaster early in August 1318 was likely to be fixed two months earlier'. Interpreted, however, in the light of the accounts given by Knighton and the annalist of St. Paul's, the phrase 'vie pacis innite . . . apud Leicestr' prelocute' may be taken to refer, not to any coming meeting between the king and Lancaster, but rather to the agreement which had been made at the conference already held at Leicester in April.

also such influential laymen as Pembroke, Hereford, and Despenser formally bound themselves—in view of the desperate situation caused by the Scottish invasions—to support the king against Lancaster if the earl continued to act in a high-handed and unlawful manner.¹ It was quite possibly to this very agreement that Lancaster referred when he said at Tutbury that some of the persons who were at Leicester

ount dedit lour serement qils fyrent a Leycestre en vos presencez, et sur ceo sont de novele jurez et entre aliez, a ce que nous avoms entenduz, de meinteigner ceux que ont malement consele le roy en desheritance de la coroune.²

Finally it is known that the bishop of Ely, whom Knighton mentions as concerned in the Tutbury negotiations, visited Lancaster on the king's behalf twice during July, and probably on a previous occasion in June as well: on 13 June, two days after his appointment as chancellor, the bishop left London on certain business which concerned the king ('en acunes bosoignes que nous touchent'); he rejoined the court on 2 July at Northampton; on 4 July he left 'in nuntium regis versus comitem Lancastrie', returning to Northampton on 16 July; on 20 July he again left Northampton 'iterum in nuntium regis ad dictum comitem regrediens', and returned on 29 July.³ For the conversations of 4–16 July and 20–29 July there is independent evidence which shows that Lancaster did not then take up the intransigent

¹ *Eng. Hist. Rev.*, *loc. cit.* The document unfortunately is not completely legible, but its purport is nevertheless quite clear.

² Knighton, i. 417.

³ See the memorandum in the Close Roll, printed in *Parl. Writs*, II. ii, App. pp. 123–4. On 1 August the bishop again left Northampton 'in nuntium regis versus dictum comitem tercio progrediens', but was stopped at Leicester by illness.

attitude which he adopted on the occasion recorded by Knighton. Presumably, therefore, Knighton's account refers to conversations which occurred on some occasion prior to 4 July, and it seems probable that they took place during the period 13 June–2 July, when the bishop of Ely was away from court 'on certain business'.¹

We may now consider the conversations of 4–16 July and 20–29 July, which were the critical stages in the negotiations leading up to the treaty of Leake. Important information concerning these two conversations is contained in a couple of letters preserved at Canterbury. One of these, dated 21 July 1318, is from the archbishop to the prior. Writing from Biddlesden in Buckinghamshire, the archbishop says that he is taking a short holiday there to await the return of certain persons who had been sent from Northampton to interview the earl of Lancaster: he then gives the names—the archbishop of Dublin, the bishops of Chichester and Ely, the earls of Pembroke and Arundel, together with the younger Mortimer and Bartholomew Badlesmere.² As the bishop of Ely is known to have left Northampton on 20 July 'iterum in nuntium regis ad dictum comitem [Lancastriae] regrediens', it is clear that the embassy of which the archbishop speaks had left Northampton the day before his letter was written. Further valuable details are supplied by another letter, which was written by some one who was evidently, as Dr. Poole has suggested, 'a clerk in attendance on the

¹ The *tercio* of the passage quoted in the previous note would, if taken strictly, imply that the visit of 4–16 July was the bishop's first interview with Lancaster, and in that case, the conversations recorded by Knighton would have to be assigned to the period 4–16 July. But there are other considerations (see below, p. 372, note 1) which tell against such an interpretation.

² Hist. MSS. Comm., *Report on MSS. in Various Collections*, i. 267–8.

archbishop', and which was intended as a confidential report,¹ presumably for the information of the prior; it is not dated, but it is written from Biddlesden and is obviously of the same date as the archbishop's letter, for it announces that persons have been sent to negotiate with Lancaster, and then mentions the same seven ambassadors as are named by the archbishop. The writer also gives a most interesting account of the events which immediately preceded the sending of this mission. He says that the persons who, as he had announced in another letter,² had been sent to Lancaster, had duly returned to Northampton, after agreeing with Lancaster upon the following terms:

quod omnia collata quibuscunque personis per regem citra ordinationes tam in redditibus quam pecunia ipsi domino regi restituerentur, et quod illi quos dominum regem male consulisse pretendit omnino a regis lateribus amoveantur, nullatenus reversuri ad moram aliquam faciendam, nisi quod in parliamentis et in guerris in communi poterunt se offerre: et ad hoc quod hec sequerentur effectum, dominus Comes dixit se velle remittere omnibus quamquam transgressionem sibi factam et offensionem quam pro transgressionibus conceperat erga eos preter quam duobus, videlicet, dominis Rogero Damern et Willelmo Mountagu, quos asseruit machinatos fuisse in mortem suam, donec emendam fecerint delictorum. De regimine status regis taliter Comes velle fieri proposuit, et missos (ut dicitur) ad consensum allexit: ut octo episcopi per annum et quatuor Comites et totidem barones eligendi essent lateri regio astituri. Sic vult: duo episcopi uno quarterio anni cum uno comite et uno barone; et alio quarterio modo simili, et sic de ceteris quarteriis restantibus: ut siquid presumptum fuerit per residentes aliquos, succedentes eis manus apponerent correctrices. Hiis expletis, Comes dixit se velle

¹ 'Lecta presenti cedula, laceretur, ita quod non appareat de scriptura . . .'; *ibid.*, p. 269.

² This letter, if it is still extant, does not seem to have come under Dr. Poole's notice.

venire ad regem, quando et ubi placeret eidem; eciam cum eo progredi contra hostes.¹

These terms, the writer proceeds, were laid before the king at Northampton and were accepted by him. But then a hitch occurred.

Set quidam missorum, a concordia deviantes, regis animum perverterunt, ut suos animos proprios, ita quod concordatis huiusmodi non staretur. Et pro certo (ut dicitur) dominus Comes Penbrok' cum episcopis missis obtime se tenebat, nec a concordatis voluit (ut dixerat) deviare. Sic itaque omnibus presentibus Norhamton, videlicet archiepiscopis, episcopis, Comitibus, et baronibus presentibus cum rege consulentibus super predictis, aliisque dicentibus hec non bona nec deberi fieri, aliis astruentibus ea optima, nec tamen prevalentibus, finaliter convenerunt in hoc, quod ad mitigandum Comitem et alliciendum ad vias laxiores predictos² remittebantur domini archiepiscopus Dublinensis, episcopi Eliensis et Cicestrensis, Comites Penbrok et Arundel, Rogerus de Mortuo mari iunior et Bartholomeus de Badlesmere.³

This mission 'ad mitigandum Comitem et alliciendum ad vias laxiores' left Northampton, as has been seen, on 20 July. As it is known that the bishop of Ely, one of the delegation, had previously been away from court 'in nuntium regis versus Comitem Lancastrie' from 4 to

¹ Hist. MSS. Comm., *Report on MSS. in Various Collections*, i. 268. That these terms were not reached at the conversations recorded by Knighton is made probable by two considerations: firstly, that Lancaster here shows himself more accommodating in the matter of reconciliation with his enemies; and secondly, that the demand for a standing council appears; Knighton's account makes no reference to this, though, of course, it is possible that his record may be incomplete. See above, p. 370, note 1.

² *Sic*. No *vias laxiores* have been mentioned previously, except by implication, so *predictos* may be an error for *predicti*, which would go with *domini* and refer back to the 'missi ad dominum Comitem Lancastrie, de quibus alias vobis scripsi'. If so, then the deputation which visited Lancaster between 4 and 16 July would be the same seven persons as went back to him on 20 July.

³ *Ibid.*, pp. 268-9.

16 July, it was presumably during this period that the *missi* agreed with Lancaster upon the terms summarized by the anonymous clerk: if so, it would follow that the debates at Northampton occurred between the return of the *missi* on 16 July and their departure 'ad mitigandum Comitem' four days later.

The doings of this 'mitigating' embassy which set out on 20 July are not known in detail, but the general outcome may be fairly clearly inferred. The archbishop, in his letter of the 21st, said that the envoys were expected to return about the 29th, and as the bishop of Ely, who was one of them, is known to have arrived back at Northampton on 29 July, it would seem that the archbishop's expectation was exactly fulfilled. The speed with which events afterwards moved indicates that the mission of 20-29 July had attained some success. On 1 August the bishop of Ely left Northampton 'in nuntium regis versus dictum Comitem tercio progrediens'. He got no farther than Leicester owing to sickness, but he was doubtless accompanied by other ambassadors—probably the deputation consisted this time of the eleven persons mentioned in the treaty of Leake as having 'spoken with the earl of Lancaster';¹ at any rate the negotiations were not held up by the chancellor's illness, for on 7 August the king and Lancaster met and exchanged the kiss of peace.² Two days later the treaty of

¹ *Rot. Parl.*, i. 453-4.

² Later writers have followed Stubbs (*Chron. of Ed. I and Ed. II*, ii. Introd., p. lxxxii) in assigning this meeting to 14 August. Bridlington (*ibid.*, p. 55) certainly gives the date as 'die Lunae proxima post festum Sancti Laurentii' (i.e. 14 August). But the annalist of St. Paul's, to whom Stubbs also refers, gives the date as 'die Lunae proxima ante festum Sancti Laurentii', i.e. 7 August (*ibid.*, i. 283). That this earlier date is correct is proved by a letter of Archbishop Reynolds to the prior of

Leake was formally sealed. Now the treaty of Leake provided, among other things, that Lancaster and his followers should be pardoned for felonies and trespasses committed up to 25 July.¹ It seems a fairly safe inference that the limiting date was so fixed because 25 July was the day when the final terms had been substantially agreed upon.² If so, it follows that the negotiations were in substance completed by the seven prelates and lords who were sent from Northampton on 20 July 'ad mitigandum Comitem'.

The question now arises—did they succeed in 'mitigating' him? That the king and some of his partisans were prepared to insist on some concessions seems to be proved by the archbishop's letter of 21 July, which speaks of civil war as an imminent possibility.³ The one fixed point is that the terms of the treaty of Leake are accurately known. Whether they represent a 'mitigation' of the proposals brought back to Northampton on 16 July depends on one's estimate of the evidence contained in the letter of the anonymous Canterbury clerk. That he was well situated to obtain good information will be

Canterbury. Writing from Leicester on Tuesday 8 August ('die Martis ante festum Sancti Laurencii'), he announces 'quod hac die Lune . . . in pacis osculum invicem cucurrerunt'; Hist. MSS. Comm., *Report on MSS. in Various Collections*, i. 269–70.

¹ A general pardon to this effect had already been sealed in favour of Lancaster's followers on 31 July; *Parl. Writs*, II. ii, App. p. 125.

² The pardons subsequently granted in October in the parliament of York put the limiting date at 7 August; *ibid.*, pp. 126–7; Cole, *Documents illustrative of English History*, p. 2. This was the date on which the king and Lancaster had exchanged the kiss of peace.

³ The letter ends as follows: 'Et cum nobis constiterit de eventu dubio moderni temporis . . . vos inde faciemus absque dilacionis incommodo premuniri, ut si (quod absit) necessitas ingruerit, reliquiarum sacramentorum Martiris gloriosi et aliorum sanctorum nostre ecclesie possetis salve custodie utiliter providere.'

readily granted. That he was well informed on important points is proved by the terms ultimately embodied in the treaty of Leake. That he did not say everything that might have been said seems to be indicated by his statement that Lancaster remitted all transgressions committed against him except those of two persons, Roger Damory and William Montagu: judging by the treaty of Leake, it may be supposed that Lancaster probably excepted Warenne as well as Montagu and Damory. Taken with reserve, however, the anonymous clerk's summary of the proposed terms suggest an interesting comparison with those of the treaty of Leake. In the first place, nothing specific is said in the treaty about the resumption of lands and goods given contrary to the ordinances of 1311, or about the utter removal of 'evil counsellors' from the king's presence: the treaty contents itself with a general affirmation of the ordinances. This probably amounted in fact to a 'mitigation', for the absence of any specific undertaking to resume lands and remove evil counsellors left the way open for that not too drastic review of offices and gifts subsequently carried out in the parliament of York in October.¹ Secondly, nothing is said in the treaty about the quarrel with Damory and Montagu: the treaty reserves only Lancaster's quarrel with Warenne. This again may probably be taken as a 'mitigation'. In the third place, the treaty, while embodying the plan of a council of sixteen acting by quarterly rotations, adds an extra member—a banneret to be nominated by Lancaster. This banneret is not mentioned at all by the Canterbury clerk. If his silence means that the idea had not been accepted during the conversations of 4–16 July one must presumably conclude that it was adopted during the

¹ Tout, pp. 125–9; Davies, pp. 453–5, 458–9.

negotiations of 20–29 July. It was clearly a ‘mitigation’ from the king’s point of view, for it practically ensured—and was no doubt so designed—that Lancaster would not be one of the four earls appointed to be of the council. Moreover, the treaty may have saved the king’s face somewhat by providing that the seventeen persons named in the treaty as councillors should act only until the next parliament, when a body of councillors would be chosen by parliament itself. Tentatively, then, it may be suggested that the seven envoys of 20–29 July did succeed in ‘mitigating’ Lancaster. Tentatively, too, it may be suggested that the demands of the king and his friends during the discussions of 16–20 July at Northampton were mainly two—firstly, that there should be no general and indiscriminate resumption of royal grants or punishment of ‘evil counsellors’,¹ and secondly, that Lancaster himself should not be a member of the council.

One or two miscellaneous matters of interest are worth noticing in conclusion. The Canterbury letters strongly reinforce the point already emphasized by Dr. Tout and Mr. Conway Davies—that the treaty of Leake was essentially the work of the ‘middle party’:² the crucial mission which went to Lancaster ‘ad . . . alliciendum ad vias laxiores’ was pre-eminently a middle-party affair. The letter of the anonymous clerk also bears out Dr. Tout’s contention ‘that Pembroke’s “middle party” was no mere group of courtiers and deserters from the popular cause’,³ and makes possible some refinement of that general statement. During the discussions at Northampton from 16 to 20 July, there was, according to the

¹ This demand had been made on the king’s behalf in the Tutbury conversations recorded by Knighton; above, pp. 363–8.

² Tout, pp. 121–2; Davies, pp. 448–9.

³ *Op. cit.*, p. 122.

clerk's letter, a fairly sharp divergence of opinion among the *missi* who had just returned from interviewing Lancaster: Pembroke and the bishops wished to hold to the suggested terms which they had brought back with them, but some of the *missi* desired modifications, and won over the king to their opinion. Apparently, therefore, the middle party in these debates had a sort of right and left wing. Pembroke and the bishops seem to have formed the left wing. The right wing—if the clerk's statement can be taken as perfectly accurate, and if, as seems possible, the *missi* of 4–16 July were the same seven as those who were sent back to Lancaster on 20 July¹—would be represented by Arundel, the younger Mortimer, and Badlesmere.² Thus far the letters bear out the accepted opinions about the middle party. In one important respect, however, they suggest a modification of current views. From the constitutional standpoint, the most interesting feature of the treaty of Leake is the adoption therein of the typically baronial device of a standing council. It had not previously been resorted to since the days of Henry III. 'An expedient', says Dr. Tout, 'so drastic that Lancaster had shrunk from suggesting it, was now brought into play by Pembroke and his friends.'³ But this conclusion can scarcely stand against the perfectly definite statements of the Canterbury clerk: he seems quite clear that it was Lancaster (during the negotiations of 4–16 July) who proposed the standing council of sixteen working by quarterly rotation, and that it was Lancaster who persuaded Pembroke and the other *missi* to accept it. Nor is this surprising. The precedents

¹ See above, p. 372, note 2.

² Perhaps we may see here one more reason for Lancaster's hatred of Badlesmere.

³ *Op. cit.*, p. 122.

of Henry III's time were not forgotten in the reign of Edward II.¹ The previous application of the principle of a standing council attending in rotation had been in Simon de Montfort's *Forma Regiminis* of 1264.² It was natural—and probably by no means accidental—that the idea should be thus revived by Thomas of Lancaster; for he was keenly aware that he stood in Montfort's place, that among his many dignities were numbered the earldom of Leicester and the stewardship of England.³

J. G. EDWARDS.

¹ *Chron. of Ed. I and Ed. II*, ii. 171, 196.

² *Foedera* (Rec. Comm.), i. 443. It had appeared in other forms in 1244 and 1259; Stubbs, *Const. Hist.* ii (4th ed.), p. 64; Jacob, *Studies in the period of baronial reform and rebellion*, p. 94.

³ Harcourt, *His Grace the Steward*, ch. v; Tout, pp. 106–7, 126–7.

THE *HISTORIA AUREA* OF JOHN, VICAR
OF TYNEMOUTH, AND THE SOURCES OF
THE ST. ALBANS CHRONICLE (1327-1377)¹

I

THE numerous and closely related manuscripts of the later St. Albans chronicles (c. 1380-1430) were thoroughly examined by H. T. Riley for his editions of the *Historia Anglicana* (1863) and of *John de Trokelowe, &c.* (1866), in the Rolls Series. A few years later Riley's researches were rounded off by Sir E. M. Thompson, who demonstrated in his introduction to the *Chronicon Anglie* (1874, also in the Rolls Series) that Thomas Walsingham, whose name had been commonly associated with this historical revival, was indeed the moving force in the period, though it is seldom possible to say precisely which of the many chronicles were actually written by him. The most valuable production of Walsingham's time was a detailed history of the years 1376-88, which is printed in the *Chronicon Anglie*. To bridge the gap between this work and the earlier St. Albans chronicle of Henry de Blanford, which probably ended in 1327,² a short chronicle of the reign of Edward III was compiled, which underwent at least four revisions before it was absorbed into a more comprehensive chronicle

¹ I desire to express my thanks to His Grace the Archbishop of Canterbury for facilities granted me in consulting the manuscripts at Lambeth Palace; to the Rev. Claude Jenkins, Lambeth librarian; to the Rev. E. C. Hoskyns, Bart., librarian of Corpus Christi College, Cambridge; and to Dr. H. E. Craster and Mr. G. Baskerville for much friendly help and criticism.

² The surviving manuscript ends unfinished in 1324, the last leaves being lost.

(1272-1392) in Royal MS. 13, E. ix.¹ This in its turn was copied and continued to 1422 in Arundel MS. vii (College of Arms), which was printed by Riley as the *Historia Anglicana*.

The views of Riley and Sir E. M. Thompson were directly challenged by the late Dr. Carl Horstman, who was the first to call attention to the indebtedness of the St. Albans chroniclers to the work of an earlier and almost forgotten writer, John, vicar of Tynemouth. In a learned introduction to the *Nova Legenda Anglie* (Oxford, 1901) he denied the fundamental assumption of Riley and Sir E. M. Thompson, viz. that there was a break in contemporaneous historical writing in the reign of Edward III.² According to Horstman the gap was exactly bridged by the *Historia Aurea* of John of Tynemouth, whom he considered to have been a monk of Tynemouth Priory and, later, 'historiographer' ³ of St. Albans.

'The vacuum does not exist, the series of writers is unbroken. The gap is exactly covered by John of Tynemouth's *Historia Aurea* down to 1347, and his continuator in MS. C.C.C.C. 6 down to 1377: and his name is the connecting link between the older and younger annalists of St. Albans. If this fact has hitherto been overlooked, it is because his chronicle of the first half of Edward's reign is an integral part of his universal history. He is the pseudo-Walter Hemingford, whose text in Hearne,⁴ considered so valuable

¹ ff. 177 *et seqq.*: supposed to be immediately derived from the lost *Chronica Maiora* of Walsingham.

² Cf. *Johannis Amundesham Annales* (Rolls Series), ii. 303: 'Post Matthaëum, Willelmus Risangre, Henricus Blankfrount, Simon Bynham et Ricardus Savage chronica successive scripserunt.' Nothing is known of the histories of the last two of these chroniclers.

³ Cf. C. Jenkins, *The Monastic Chronicler and the Early School of St. Albans*, pp. 65-7. Horstman believed that John of Tynemouth was among those carried off by the Black Death in 1349.

⁴ And C. Hamilton (English Historical Society, 1848), the edition quoted below. The correct form of the name is Hemingburgh.

for this reign, is nothing but a part (1327-46) of John of Tynemouth's work. He is the source of Tho. Walsingham's *Hist. Anglicana* (MS. Ar.) for 1327-43; and his continuator in C.C.C.C 6 is the main source of both the *Chronicon Anglie ab. 1328-88* (ed. Thompson) and Tho. Walsingham for 1343-77.¹

It is proposed to examine the statements made in this long quotation.

II

Of the author of the *Historia Aurea*, as of Geoffrey le Baker and Robert of Avesbury, his contemporaries, scarcely any positive information has survived. We know neither the date of his birth nor of his death. Even his name is not quite free from doubt. One copy of his *Historia Aurea*, the Bury copy, calls him *Johannes Anglicus*, another, written at Durham, John of the diocese of York; and this is shortened to John of York in the extracts embodied in the Red Book of Durham.² Sir Thomas Gray, however, writing before 1369, the scribes of the St. Albans manuscripts, and Boston of Bury agree in calling him the vicar of Tynemouth,³ though Boston of Bury mentions the alternative *Johannes Anglicus*. Horstman identified him with one of three vicars of Tynemouth, all called John, whose names occur between 1315 and 1325.⁴ Dr. Craster has adopted the more cautious view that he may have been any one of the three.⁵ But it may be suggested that the identification of the author, whose history extends to 1347, with a vicar of Tynemouth who served for so short a time more than twenty years earlier, is an extremely unlikely one. To

¹ *Nova Legenda Anglie*, xlix.

² *Eng. Hist. Rev.* xl. 517.

³ The unique manuscript of the *Scalacronica* reads 'Tilmouth' (which was not a vicarage).

⁴ *Nova Legenda Anglie*, xxxv.

⁵ *Northumberland County History*, viii. 126.

have been known to posterity as the vicar of Tynemouth, it is reasonable to assume that he was vicar for a considerable period, and during the later part of his life. On these grounds he can perhaps be more probably identified with a John of Whetely, who was admitted vicar of Tynemouth in 1350 and who was still vicar in 1363. The later date, it is interesting to note, is supported by Boston of Bury, the earliest authority, who says that John of Tynemouth flourished about 1366. There is also the evidence of the *Historia Aurea* itself. The narrative, which for the years 1327-47 adheres closely to the political history of the time, is surprisingly interrupted under the year 1339 by several miraculous incidents told at some length and attributed to the forest of Wolmer and to the villages of Headley and Kingsley 'in the deanery of Alton, in the diocese of Winchester'. These seem at first sight very much out of place in a northern history, but reference to the map shows that about a mile to the north of Kingsley, which is some three miles north-west of Headley, is a small village called Wheatley.

It would be attractive and not altogether fanciful to suppose that John of Whetely was connected with the Hampshire village. It may on the other hand be a case of mere coincidence. Wheatley is a common place-name. There are, in particular, three Wheatleys in Yorkshire, to any one of which the vicar of Tynemouth may have belonged. This would explain why he is called John of the diocese of York in the Durham copy of the *Historia Aurea*. It would also explain in a very natural way why the *Historia Aurea* forms the basis of both the so-called John of Brompton, a chronicle which belonged to the abbey of Jervaulx, and of the continuation of Hemingburgh, which was presumably compiled at Guisborough.

These indications of a north Yorkshire connexion are, moreover, borne out by the text of the *Historia Aurea*, nearly all the incidents in which, apart from those demonstrably derived from other sources, seem to be connected with the North or East Ridings of Yorkshire.¹

These, however, are mere guesses. Nothing more is certainly known than that the *Historia Aurea*, of which several copies survive, was the work of a certain John, who was vicar of Tynemouth. Horstman, indeed, maintained that the author of the *Historia Aurea* was, as vicar, a monk of Tynemouth,² and that he transferred from the cell to the mother house of St. Albans, where as 'historiographer' he wrote his chronicle. But neither of these statements will bear examination. There is not the slightest ground for thinking that any vicar of Tyne-

¹ Mr. Baskerville suggests that John of Tynemouth may be identical with John Ergom, a famous Austin friar of York. John Ergom, who was perhaps a native of Argam (5 miles N.W. of Bridlington), wrote (*ante* 1372) a commentary on the so-called prophecies of John of Bridlington, and presumably the text of the prophecies as well (Wright, *Political Poems and Songs*, i. xxviii, 123-215). The contemporary catalogue of the Austin friars of York contains most of the books used in the compilation of the *Historia Aurea*, e.g. the *Speculum Historiale* of Vincent of Beauvais (546-8), Bede (164), Higden's *Polychronicon* (154), Geoffrey of Monmouth (156), *Topographia Hibernie* of Giraldus Cambrensis (170), *Miraculum resurrectionis Tundoli* (44). Many of these books, it should be added, seem to have belonged originally to Ergom and to have been presented by him to the convent (M. R. James, *Catalogue of the Library of the Augustinian Friars at York*, in *Fasciculus J. W. Clark dicatus*, 1909). In this connexion, it is worth noting that John Capgrave, who re-edited the *Sanctilogium* of John of Tynemouth, was also an Austin friar. There seem to be two difficulties in the way of accepting this identification, *viz.* the fact that Ergom apparently lived at a rather later date than John of Tynemouth, and (2) the striking contrast, both in style and matter, between the *Prophecies* and the *Historia Aurea*, which is at least as marked as their common interest in miracles and the supernatural.

² *Nova Legenda Anglie*, xxxvi.

mouth was ever a monk of the priory and there is good evidence that the majority of them were not.¹ The theory really fails at this point; but even if it be supposed that John of Tynemouth became a monk of St. Albans 'direct', we are faced with the difficulty that there is no evidence connecting him with the Abbey.

In the annals of St. Albans he is conspicuous by his absence, his name a complete blank, as if he had never been. He neither occurs in the list of eminent men and writers of St. Albans in MS. Claudius E. iv (Riley, *Joh. Amundesham*, ii. 296) nor amongst the dead buried in the cemetery, in MS. Harl. 3775 (Riley, *ib.* i. 431) nor in the *Liber de benefactoribus* in MS. C.C.C.C. 7 (Riley, *Joh. de Trokelowe*, p. 427).²

Horstman's view, in fact, rested simply on the use made by the St. Albans chronicles of the text of the *Historia Aurea*. But it is, I think, shown below (section IV) that the full text of the *Historia Aurea* was apparently unknown, and was certainly unused at St. Albans until after 1420, that is to say, until the historical revival of Walsingham's time had been in progress for perhaps forty years. If so, it is reasonably certain that John of Tynemouth was never a monk of St. Albans.

III

The mystery which surrounds the identity and place of origin of John of Tynemouth does not fortunately

¹ *Northumberland County History*, viii. 124-6. Dr. Craster's account of the vicarage is decisive on this point. The settlement of 1250 (p. 125) clearly implies the appointment of seculars, and only seculars, as vicars. Cf. the story in *Gesta Abbatum*, ii. 367. There are, moreover, repeated transfers of land by vicars of Tynemouth, notably by John of Wheteley (*op. cit.*, pp. 116, 257). The only way, in fact, a monk of the priory could have occupied the vicarage would have been by papal dispensation, of which there is no instance recorded.

² *Nova Legenda Anglie*, xliii.

extend to his works. He wrote a *Sanctilogium*,¹ a large collection of the lives of British saints, still extant, though much damaged by fire, in MS. Tiberius E. i. He also wrote a universal history on the largest scale, his *Historia Aurea*, in which many of the same lives are told consecutively, with connecting historical chapters. Of this work the three chief manuscripts are:

1. Lambeth MSS. 10, 11, 12, ending in 1347. This copy, which comes from Durham priory, calls the author John of the diocese of York. It is of about the end of the fourteenth century.²

2. Bodleian MS. 240, ending in 1347. This manuscript, written in 1377 for the abbey of Bury St. Edmunds, contains only the second part of the history and describes the author as *Johannes Anglicus*.

3. C.C.C.C. MSS. 5 and 6, ending unfinished in 1343. This is the St. Albans copy which William Wyntershulle had made for his brother monks, apparently not long after 1420, when John Whethamstede became abbot.³ To this manuscript is appended the continuation from 1343 to 1377 to which Horstman has called attention.

In addition to these manuscripts, which are fully described by Horstman, the future editor of the *Historia Aurea* will also have to consult:

(1) Harleian MS. 655. This is described by Riley

¹ In the compilation of this work 'we learn from himself that he was at Ely, Canterbury, London, . . . Glastonbury, Hereford, in Wales, searching the libraries of the monasteries and cathedral churches' (*Nova Legenda Anglie*, li).

² This copy was already in the Durham library in 1395. See *Catalogues of the Library of Durham Cathedral* (Surtees Society), p. 56.

³ James, *Catalogue of the MSS. of C.C.C.C.* i. 14, 'cuius donum auctorizando confirmavit reverendus in Christo . . . dominus . . . Iohannes Whethamstede'.

(*Historia Anglicana*, i, xix) as a copy of the *Polychronicon*. For the purposes of this paper it is sufficient to note that the text from 1327 onwards is substantially that of the *Historia Aurea*. Riley was wrong, as shown below, in supposing the text of the *Historia Anglicana* (pp. 191-200 of vol. i) to be derived from this manuscript.

(2) Cambridge University Library MS. Dd. x. 22, a small volume (ff. 159) of about the close of the fourteenth century. It contains the second part of the *Historia Aurea* divided into five books and ends at the year 1342. The text of this copy is roughly speaking in agreement with Lambeth 12; but it omits all the letters and other documents and is therefore very much shorter.

(3) Cotton Roll, xiii. 2, and Royal MS. 13. E. ix, ff. 138-150,¹ both fourteenth century. This is a drastic abbreviation of the second part of the *Historia Aurea* (to 1347). It is printed in Ludwig's *Reliquiae Manuscriptorum Diplomatum*, vol. xii (1744), pp. 82-165. It should perhaps be emphasized that this is an extremely brief summary, the portion 1327-47 only filling six small pages in large type.

(4) The numerous manuscripts of the Continuation of Walter of Hemingburgh (1327-47), printed by the English Historical Society.

Before attempting to find out what use was made by the St. Albans chroniclers of the *Historia Aurea* for the years 1327-47, it was necessary to establish a true text. In view of Horstman's statement that the Continuation of Hemingburgh 'is nothing but a part of John of Tyne-mouth's work', it seemed at first sight that this was already printed in the English Historical Society's edition

¹ *Catalogue of the Royal and King's MSS. (British Museum)*, ii. 115.

of Hemingburgh. But this statement is far too sweeping, as will be seen below, pp. 396-8, where the most important differences between Hemingburgh and the three chief manuscripts of the *Historia Aurea* are set out. A comparison of the printed text of Hemingburgh with Lambeth MS. 12 showed that two long and important passages in Hemingburgh are merely represented in the *Historia Aurea* by short entries: that Hemingburgh gives the full text of a letter found only in abstract in Lambeth 12, while several passages in Hemingburgh are not found in Lambeth 12 at all. On the other hand there are several entries in the Lambeth MS. which do not occur in Hemingburgh, and constant minor discrepancies in wording between the two chronicles. A comparison of Lambeth MS. 12 with the other two chief manuscripts was equally disturbing, for while the Lambeth and Cambridge MSS. are in very close agreement, the Bodley version contains several passages not found in the other two, and omits three short passages which are found in them. It should also be mentioned that both in its omissions and its additions the Bodley MS. partially agrees with the text of Hemingburgh. A further comparison of the three chief manuscripts and of Hemingburgh with Harl. MS. 655 gave similarly perplexing results.

Which of these texts is the authentic *Historia Aurea*? The answer, I think, must be, that none of them is, but that all are incomplete texts which descend from an *Historia Aurea* even more vast than any of those surviving. For this view the internal evidence is very strong.¹ There

¹ The passages peculiar to Hemingburgh and Bodl. MS. 240 respectively are not apparently interpolations from another source, but bear every indication of having been written by the same hand as the rest of the *Historia Aurea*. As regards the relations of the manuscripts, the Cambridge copy of the *Historia Aurea* may very possibly have been

is besides the plain statement on f. 1 of Bodleian MS. 240 that this copy is a shortened one: *Incipit pars secunda Historie Auree abbreviate Iohannis Anglici*. The Lambeth copy, it is true, is not called an abbreviation, but C.C.C.C. 6, with which it so closely agrees, has retained at the head of book eight (f. 114^v) a rubric similar to that in Bodley 240: *Explicit liber 7 Historie Auree abbreviate*.

In view of the direct statement of two of the manuscripts, and the fact that there is no single manuscript which contains the whole of what seems to be the authentic, original text of the *Historia Aurea*, it is difficult to avoid the conclusion that existing copies are abbreviations of a larger one, which has not survived. There is, however, just the possibility that there are two slightly different recensions of the *Historia Aurea*, the Lambeth and Corpus MSS. representing the one, the Bodley MS. the other. In this case *Historia Aurea abbreviata* must be understood as 'abbreviated from other chronicles', and the text of Hemingburgh considered to have been derived not from the *Historia Aurea* but from some lost common source.¹ In favour of this view is the unoriginal character of the rest of John of Tynemouth's work. 'John of Tynemouth', says Horstman,² who has most closely studied his writings, 'is a good compiler, but a bad writer. Used to excerpting he is shy of expressing himself of composing, forming, styling. He rarely speaks

directly derived from the Lambeth copy; but Bodl. 240 and the continuation of Hemingburgh are independent of one another, and of the Cambridge and Lambeth copies.

¹ This is the opinion of Dr. Craster, who has further pointed out to me that the pronounced variation of the various texts of the *Historia Aurea* seems to be confined to the later part of the work, viz. the reigns of Edward II and Edward III.

² *Nova Legenda Anglie*, lxi.

—even his *Historia Aurea* is mostly excerpt.' If this be so, the lost source probably went back to about the beginning of Edward II's reign, at which point the marginal references in the *Historia Aurea* to Vincent of Beauvais, Trivet, and the *Flores* cease.

Subject to the modifications and additions printed on pp. 396–8, the Continuation of Walter of Hemingburgh (1327–47) may therefore be regarded as a rough-and-ready text of the *Historia Aurea*. An accurate text it certainly is not, for while the different manuscripts of the *Historia Aurea*, apart from the variations noted below, are in close agreement, there are constant trivial verbal differences, too numerous to be mentioned, between them and the Hemingburgh continuation. The continuator of Hemingburgh has, in fact, to a certain extent re-written his original—whatever that was.

IV

It is now possible to examine the use made of the *Historia Aurea* in the St. Albans chronicles of the reign of Edward III, bearing in mind, or rather assuming for the moment, that they are not contemporary annals but compilations made in and after the reign of Richard II. The earliest form of the chronicle is substantially that printed in the *Chronicon Anglie*,¹ which may be dated about the year 1388. For this the chief sources as far as (about) the year 1342 were Adam of Murimuth and the *Polychronicon*. There are besides four entries which are unquestionably derived from the abbreviated *Historia Aurea*, as printed by Ludwig. The earliest of these is

¹ Contains only the text from 1328 to 1370. For the years 1371–7 there is (in print) only the text of the Arundel MS. (*Historia Anglicana*, i. 312–28), accompanied by a collation with the Royal MS.

for the year 1338, the latest for 1346, and all follow *verbatim* the text in Ludwig.¹ The perfect correspondence of the readings is conclusive proof that these entries come from this very summary abbreviation of the *Historia Aurea*, a copy of which, it will be remembered, is found in Royal MS. 13. E. ix.

When the *Polychronicon* ended, the compiler of the Short Chronicle seems to have drawn upon two earlier chronicles, both of which seem to have been originally continuations of the *Polychronicon*, akin to the B version printed in vol. ix of Lumby's text, though the surviving copies are appended to the *Historia Aurea* and to Muri-muth. These were:

1. The valuable continuation of C.C.C.C. 6, ff. 305-310a (fifteenth century), from 1343 to 1377, on which Horstman laid such emphasis. The close agreement in the matter and in the sequence of the entries justifies the conclusion that this was a direct source of the St. Albans chronicle, though not the only nor even perhaps the chief source. It is clearly one of the earliest forms of the *Polychronicon* continuation, which made use of the abbreviated version of the *Historia Aurea* down to 1347 and for the later years was based upon strictly contemporary sources. Though the surviving text is of the fifteenth century, the chronicle gives every indication of having been originally compiled much earlier. Thus under the year 1362 Edward III is called *rex Edwardus presens*, under 1363 *regem nostrum*, and under 1365 *Edwardus nunc*. Apart from the fact that it makes use of the abbreviated *Historia*

¹ These are the entries describing (1) the remarkable frost, &c. (*Chr. Angl.*, p. 8, to the word *expositor*); (2) the creation of a prince of the Fortunate Isles (*ibid.*, p. 18); (3) and (4) the two victories of Thomas Dagworth (*ibid.*, pp. 24, 26).

Aurea, there is no reason for thinking it was first written at St. Albans abbey, which, indeed, is never mentioned in it; and it has, of course, no integral connexion with the full version of the *Historia Aurea* to which it has been appended in C.C.C.C. 6. Doubtless it was first written as a continuation of the *Polychronicon*. Another text¹ of this continuation occurs in Rawlinson MS. B. 152 in the Bodleian Library, where it forms part of a *brevior historia*, or abridged copy of the *Historia Anglicana*. The scribe apparently preferred to copy this brief chronicle for the years 1343–77, rather than to abbreviate the longer one, as he was compelled to do as far as 1342 and after 1377.

2. The continuation of Murimuth printed by Thomas Hog in the English Historical Society's edition of 1846.

The close dependence of the St. Albans chronicle upon this text was detected by the editor, and his verdict has recently been endorsed by Professor James Tait.² The only manuscript, however, known to Hog was of markedly later date; and it seems to have escaped notice that there is another and earlier copy in a St. Albans MS., viz. Royal MS. 13. E. ix, ff. 150–160, where it is attributed in a contemporary marginal note to Walsingham.³ The

¹ A third text of this continuation is in T. C. D. MS. 511, where it forms the first part of a short chronicle (ff. 1–87) from 1342 to 1417, which a contemporary rubric ascribes to Walsingham. The manuscript, which is of the second half of the fifteenth century, also contains (ff. 97–231) a partial copy of the Arundel MS. from 1272 to 1385. The first of these chronicles (1342–1417) is undoubtedly that referred to by Bale as an *auctarium Polychronici*. The two other works attributed by Bale to Walsingham seem to be Rawlinson B. 152 (Bale's *historia brevior*) and the Arundel MS. (his *De gestis Anglorum*). See *Chronicon Anglie*, xxxv, n. 1.

² *Chronicon Iohannis de Reading et anonymi Cantuariensis*, p. 58.

³ *Catalogue of the Royal and King's MSS.* ii. 115, where it is unfortunately misdescribed as an abridgement of the long St. Albans chronicle.

Royal MS. copy forms a continuation of the abbreviated *Historia Aurea* mentioned above (ff. 138–150), the two together forming the *Cronica a principio mundi sub compendio compilata*. As in the case of the *brevior historia* in Rawlinson B. 152 the scribe preferred to copy this brief continuation entire to the more laborious task of abbreviating the fuller chronicle contained in ff. 177 *et seqq.* of the Royal MS. The text agrees word for word with that printed by Hog except that several passages which contained unflattering references to John of Gaunt have been omitted.¹ In all probability this little chronicle was also originally compiled as a continuation of the *Polychronicon*, and there is no reason to doubt that it was made at St. Albans to which it contains numerous references. The ascription to Walsingham himself, though not unlikely, cannot be pressed, since, as Sir E. M. Thompson has shown, the later St. Albans scribes commonly attributed to Higden whatever earlier chronicles they found as far as 1342, and the succeeding matter to Walsingham.²

The copies of these two *Polychronicon* continuations used in the compilation of the original Short Chronicle must have been earlier than those extant. That copies were preserved at all is due to the fact that they were found useful, as has been seen, for working into the various short histories which were compiled at St. Albans in the fifteenth century. Almost every fact has been extracted from them by the compiler of the Short

¹ The Royal MS. copy begins in 1347 (Hog, 177). The chief passages omitted are: Hog, 212, l. 16, *istud* to last line, *mundus*; 213, l. 25, *Nihilominus* to 214, l. 8, *vecordes*; 218, l. 8, *anno* to 219, l. 33, *deduxit*, for which a milder version is substituted; 220, l. 19, *Hoc* to 221, l. 17, *stetit*; 222, l. 9, *ista* to 224, l. 14, *subrogavi*. The later manuscript thus preserves the earlier form of the text.

² *Chronicon Anglie*, xxxvi.

Chronicle,¹ and together they constitute about three quarters of the chronicle as printed.² A small residue only remains, the source of which is unexplained.³

¹ The following are all or almost all the facts in the C.C.C.C. 6 continuation not embodied in the St. Albans chronicle. After *coepit* (*Chr. Angl.*, 31, l. 28) the continuation adds *sed audita capcione Berwici statim rediit et Berwicum de Scotorum manibus liberavit* (also in the Murimuth continuation); to the account of the great storm in 1362 (*ibid.*, p. 50) is added the couplet *C ter erant, etc.*, found in almost all the *Polychronicon* continuations; in the account of the General Chapter at Northampton (*ibid.*, 54) the prayers ordered are specified, viz. *Et ne nos, Salvos fac servos et in omnibus horis, Oremus pro fidelibus, Requiem eternam, etc.*; in the account of the negotiations at Bruges in 1375 (*Hist. Anglie*, i. 317) it adds the names of William Montagu, earl of Salisbury, and Reginald de Cobham.

² It is difficult, since the C.C.C.C. 6 continuation has not been printed to prove the contention here advanced. The following examples will illustrate the way in which the two continuations have been dovetailed to form the *Chronicon Anglie*. The whole of the text of the *Chronicon Anglie* for 1349 seems to be derived from the Murimuth continuation, the information being recast and one or two difficulties resolved in the process, e.g. the dates of the death of Ufford and Bradwardyne. Certain of the entries for this year in the Murimuth continuation, viz. the death of Ufford and the succession of Thomas de la Mare at St. Albans, do not occur in C.C.C.C. 6, and even matter common to both continuations has quite clearly been taken from Murimuth. On the other hand, there are two entries in the *Chronicon Anglie* for 1354, viz. the removal of the wool staple and the account of the duel, which are taken verbally from C.C.C.C. 6 and which do not occur in the Murimuth continuation. The puzzling entry in the *Chronicon* (p. 39) about the bishop of Ely is taken from C.C.C.C. 6 and does not occur in the Murimuth continuation. The description of Edward III's campaign of 1359, not found in the Murimuth continuation, is taken from C.C.C.C. 6 and, as often, slightly enlarged and inflated in the taking. Even where both continuations have substantially the same entry, it is generally possible to say which of the two has been adopted in the *Chronicon Anglie*.

³ Such unexplained entries are for the most part of little value. The two most important are those noted in the margin of the *Chronicon Anglie* as 'wealth among the English from the spoils of war' (p. 26), and 'Statute of wages: of cloth: of obstruction in rivers' (p. 30).

The Short History, which was compiled about 1388, passed, with certain alterations, into the Royal MS. ff. 172 *et seqq.* (1272-1392), a manuscript apparently written just before 1399. More than twenty years later this was in turn copied with considerable additions and some omissions, and continued to 1422 in another St. Albans manuscript, Arundel MS. vii (College of Arms). It is this manuscript, the latest recension of the St. Albans chronicle, which was printed by Riley as the *Historia Anglicana*, and in it the full text of the *Historia Aurea* (1327-43) appears for the first time.¹ Riley believed that the compiler of the Arundel MS. derived his text of the *Historia Aurea* from Harleian MS. 655, but there can be really no doubt that the direct source was C.C.C.C. 6 which was presented by William Wyntershulle to his fellow monks soon after 1420. It was, after all, the natural source to which to turn, and a collation of the *Historia Anglicana* with C.C.C.C. 6 fully bears out the inference. 'The two are in close agreement.'² The text, moreover, in the Arundel MS. is incomplete and only extends to 1343, that is, to the point at which C.C.C.C. 6 ends. Finally a minute collation of certain passages shows that repeated verbal peculiarities of C.C.C.C. 6 are retained in the Arundel MS.³

¹ *Historia Anglicana*, i. 191-221.

² For example, the entries printed in large type in the *Historia Anglicana* (e.g. pp. 197, 200), which are not found in Harl. 655, all occur in C.C.C.C. 6. This in itself disproves the derivation of Arundel vii from Harl. 655.

³ e.g. the *Historia Anglicana*, i. 199, has, l. 5, *ecclesia*, l. 16, *quoque*. C.C.C.C. 6 has the same readings, against *parochia* and *siquidem* in Lambeth 12. After *nihil* (l. 17) Lambeth 12 adds *clamosis vocibus et singultibus*, which is not found in the Arundel MS. or in C.C.C.C. 6. *Historia Anglicana*, i. 216, l. 22, *dicebatur*, l. 25, *congregato*; same readings found in C.C.C.C. 6, while Lambeth 12 reads *ferebatur* and *collecto*. It also

There is thus no evidence that the St. Albans chroniclers were acquainted with the full text of the *Historia Aurea* until the great historical revival of Walsingham's time was nearing its close. The numerous early recensions of the St. Albans chronicle used only the short summary of the *Historia Aurea*, the text of which was printed by Ludwig. The full text is first found in the Arundel MS. written after 1422, where it is directly derived from C.C.C.C. 6: and this was not acquired by the abbey until after 1420. The presumption is strong that the compilers had to do the best they could with a brief summary of the *Historia Aurea*, until the generosity of William Wyntershulle provided them for the first time with a full text soon after 1420. If therefore we accept the late and entirely unsupported tradition¹ that John of Tynemouth was a monk of St. Albans, we are compelled to assume that the convent had to wait for half a century after the death of one of their number before they acquired a copy of his work. Confronted by such a difficulty, the tradition, I think, must be definitely given up; and with it must go all ideas of an unbroken succession of historical writers within the abbey during the reign of Edward III.

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adds *marchiso de* after *Gerlensi* in l. 20, *rebus* after *aliis* in l. 22, *quippe* after *idem* in l. 31, *cum suis* after *Anglie* (p. 217, l. 1)—none of which is found in C.C.C.C. 6.

¹ First found in Pits.

APPENDIX

The chief differences between the printed text of the Continuation of Walter of Hemingburgh (1327-46)¹ and the three manuscripts of the *Historia Aurea*, viz. Lambeth MS. 12, Bodleian MS. 240, and C.C.C.C. MS. 6.

Hemingburgh, 298, l. 21, 'Hoc eodem' to 300, l. 1, 'asseruit.'

This passage, a Westmoreland legend, is not found in the MSS. of the *Historia Aurea*.

Hemingburgh, 302, l. 18.

After 'sepelitur' Lambeth 12 and C.C.C.C. 6 add: 'Dominus vero Symon de Bedeford (rectius Bereford) London' tractus fuit et suspensus.' Bodley 240 omits this clause and omits also the preceding one, viz. the burial of the Earl of March by the Franciscans.

Hemingburgh, 308, l. 16, 'quatuor acies' to 309, l. 13, 'hi enim.'

Omitted by all three MSS. of the *Historia Aurea*.

Hemingburgh, 309, l. 18, 'in arcto' to 309, l. 24 'locustae'.

Omitted by all three MSS. of the *Historia Aurea*.

Hemingburgh, 309, l. 18.

After 'interfectis' Bodley 240 (p. 561, col. 1) adds the following passage, which is not found either in Hemingburgh or in the other two MSS. of the *Historia Aurea*: 'Hoc anno obiit sanctissimus pater et dominus Iohannes papa 22^{us} dominica i.² adventus domini, s. 2 Non. Decembris littera dominicali B, et sepultus die lune proximo sequenti. Et post 9 dies, s. 2 Idus Decembris 10 die sequenti, i.³ Idus eiusdem mensis convenerunt omnes cardinales in ecclesia fratrum predicatorum et ibidem celebratur missa de sancto spiritu et consilio inito redierunt ad prandium et post horam vesperarum convenerunt omnes in palacio et includebant se in conclavi. Et 8 die post horam complectorum fuit publicatum in civitate papam fuisse electum, s. vigilia sancti Thome apostoli; et coronatus fuit dominica prima post epiphaniam littera dominicali A; et ante idem

¹ Vol. ii, pp. 297-426, ed. Hamilton (English Historical Society).

² *Read id est* [secunda].

³ *id est*.

tempus dominus papa vocabatur Jacobus et fuit cardinalis albus ordine Cisternensi; ¹ et post electionem imponebatur sibi nomen Benedictus 12^{us} et concedebantur gracie die sanctorum Fabiani et Sebastiani et fuerunt gracie aperte per 15 dies post.'

Hemingburgh, 312, l. 10, 'miles' to l. 12 'fuit'.

For this clause all three MSS. of the *Historia Aurea* read: Comes Lincoln mense Decembri profluvio ventris sive ut ferebatur frigore per posteriora contracto.

Hemingburgh, 314, l. 22, 'Nocte Pentecostes' to 315, l. 7 'delata'.

All three MSS. of the *Historia Aurea* give a slightly different text of this story, the text printed in the *Historia Anglicana*, I, 199. They also give two other stories relating to the same district which are not found in Hemingburgh. See *Historia Anglicana*, I, 199, beg. respectively: 'Hoc anno in ecclesia de Edeligh,' and, 'In foresta de Wolemere.'

Hemingburgh, 315, l. 25.

After 'regressi' all MSS. of the *Historia Aurea* add the entry printed in the *Historia Anglicana*, I, 200, l. 21, 'Hoc anno hiemps' to l. 29 'prodigium'.

Hemingburgh, 337 to 340, l. 20, 'quarto decimo.'

All MSS. of the *Historia Aurea* give only the abstract of this manifesto printed in the *Historia Anglicana*, 215-16.

Hemingburgh, 340, l. 21, 'Eodem anno' to 348, l. 16, 'transfretavit.'

Instead of this passage all MSS. of the *Historia Aurea* have the brief entry in the *Historia Anglicana*, I, 216, l. 19, 'Rex anglie' to 217, l. 2, 'regressus est.'

Hemingburgh, 355, l. 25, 'Erectis velis' to the end of 359.

Instead of this passage all MSS. of the *Historia Aurea* have the following brief entry, which is not found in the *Historia Anglicana*: In festo vero Iohannis Baptiste circa horam nonam viriliter hostes cum suis est aggressus, fere omnibus in ore gladii interfectis aut sponte submersis captisque navibus, galeis solum duabus, ratibus 25, onerariis 15 in nocte vix fuga dilapsis triumphum inestimabilem

¹ i. e. Cisterciensi.

reportavit. Duravit autem conflictus ille ab hora diei supradicti nona usque ad solis ortum diei sequentis, Flandrensibus in ripa rei eventum expectantibus, nec mirum, indefesse.'

Hemingburgh, 394, after 'Franciae iii' (3 lines from bottom).

Bodl. 240 (p. 547, col. 2) alone adds: 'Factus est terremotus in universa terra 4 kal. Aprilis littera dominicali F circa horam diei nonam anno gracie 1343.'

Hemingburgh, 394, 'Clemens episcopus' to 397, l. 13, 'primo.'

This bull is found in Bodl. 240 but not in Lambeth 12 or C.C.C.C. 6.

Hemingburgh, 410, l. 21, 'instantissimam.'

C.C.C.C. 6 ends at this point.

Hemingburgh, 415.

The whole of the entry regarding the Canary Isles (which is duly found in Lambeth 12) is omitted by Bodl. 240.

Hemingburgh ends immediately before the battle of Crecy.

The remainder of the text, still unprinted, is preserved in Lambeth 12 and Bodl. MS. 240.

AN ACT OF EDWARD III AS COUNT OF TOULOUSE

IT is not probable that any important discoveries await us in the national archives preserved at the Public Record Office. The great clearing-up which took place about 1890 made it possible to give a fairly complete account of the general nature and value of the various groups of documents, and left very few uncharted regions. There were, nevertheless, sundry bundles classed as *Miscellanea* which were not described in detail because their contents seemed either too trivial to be worthy of detailed treatment, or too illegible to be capable of it. As time went on the opportunity was offered to subject these rubbish-heaps to a more detailed examination, and in this process of sifting, some documents have come to light which would not have been thrown aside so hastily in the first instance had time allowed a closer scrutiny. These are gradually finding their proper homes, though time must elapse before they are all duly classed and ticketed.

Among them is the document of which I here offer a transcript. It has the appearance of a corrected draft for letters patent under the Great Seal which should in the normal course have served as the *exemplar* for an engrossment, and have been handed with its covering warrant to the enrolling clerks to take its place on the Patent Roll which contains the letters issued by Edward III in Brabant in 1339. Whether the letters actually issued must for the present remain uncertain, their absence from the roll is not a conclusive proof that they did not; and we have examples of other letters, mainly relating to

the debts which the king contracted on this somewhat inglorious occasion, which are also unenrolled.

The main facts are of course well enough known. Edward went abroad in 1338, purchased the help of various German allies on the lower Rhine, and was made Vicar of the Empire by the excommunicated Lewis of Bavaria. In the autumn of 1339 he ravaged the Cambrésis, and vainly attempted to join battle with Philip VI in the campaign of Thiérache. His retirement to Antwerp, in November, to consult with his allies and raise the money to pay his debts, marks the end of the Anglo-Imperial alliance as an important factor in the war with France. On 13 November¹ Edward was already negotiating with the Flemings in order to persuade them to abandon their neutrality and lend him active assistance. A salient point in these dealings was the necessity of his adopting the style of 'King of France' in order to meet the sentence of excommunication to which the Flemings had submitted in 1307 as the automatic penalty of rebellion against the king of France.² Edward's claim to the kingdom had already been laid before the pope in the previous July, but it was the Flemish alliance which rendered its definite assertion imperative.

The document before us shows that on the same day on which the king was commissioning the earl of Salisbury and others to treat with the Flemings he was endeavouring to profit by his claim to the throne to make good some of his losses on the Gascon front. The loss of Penne,³ earlier in the year, had set free the forces of Languedoc to assist Philip VI on the northern frontier.

¹ Déprez, *Préliminaires de la Guerre de Cent Ans*, p. 277, n. 8.

² Raynaldi *Annales*, iv. 418.

³ *Histoire Générale de Languedoc*, vol. v (1742), p. 229.

If a local rising could be stirred up there, the southern troops would have to return home to deal with it. Edward accordingly, as *de jure* king of France and therefore count of Toulouse, engages not to desert any of his adherents in the county who venture to declare for him, or to use their land as a counter in peace negotiations. This undertaking 'not to put the County out of his hand' was an imitation by Edward of the promises made by Philip IV to Bordeaux¹ and la Réole during the French occupation of Gascony in 1294. The lawyers of the Parliament of Paris held that the king could not revoke a grant of this character without the consent of the grantees. The other particulars of the letters patent have a value as indicating the principal grievances of the county against the central government. The king promises freedom from the feudal 'aids', except that for the ransom of his own person, unless voluntarily granted; exemption from foreign service, except as paid troops; the relief from all interference of the Parliament of Paris, except in civil pleas at the suit of the parties; and the recall of the banished. All these exemptions may have been prompted by the king's own experience as 'duke of Aquitaine and a peer of France'. The last in particular suggests memories of the long-drawn consequences of the Saint-Sardos affair. But the next provision, repeating the ordinance of Louis X made in January 1316,² and confirming the treasured liberty of private war, looks as though it had been suggested by some one with a special knowledge of local conditions.

¹ P. R. O., *List of Diplomatic Documents*, p. 142.

² *Ordonnances des Rois de France*, vol. xii (1777), p. 414. Private war was permitted in Guienne under the ordinance of Philip VI in 1330. *Ibid.*, vol. ii (1729), p. 61.

A document printed by Rymer dated 10 December 1339 seems to give us the name of Edward's adviser. In it the king takes the homage of Pierre Moryn, seigneur de 'Caumpaignes', and grants him an annuity of £100 for services rendered and to be rendered in the parts of Toulouse, until the king can fulfil his promise of giving him the 'comitatus Vaudrisi'; and further covenants to make good to him any loss due to the occupation by the enemy of his present possessions. But here what seemed a promising inquiry abruptly stops. I have completely failed to identify Pierre Moryn.

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Public Record Office : MISCELLANEA (Chancery),
bundle 30, file 8, no. 24.

Edwardus dei gracia Rex Anglie Dominus Hibernie Dux Aquitanie et Comes Tholose omnibus ad quos &c. salutem. Sciatis quod cum regiam d[iceat majestat]em illis pre ceteris fa[vor]em et gratiam impartiri qui zelo justicie sponte et benivole regali se subiciunt dicioni; Nos consider[antes seve]ritatem et justum propositum hominum tam nobilium quam popularium civitatum villarum et locorum Comitatus Tholose, qui videntes regnum Francie [et predictum] comi[ta]tum ad nos de jure competere vol[uerunt venire] ¹ ad nostram justiciam et obedienciam spontanee profiteri, et se nobis subicere ut tenentur; et provide volentes eorum securitati prospicere et honores et privilegia dilatare, de deliberato fidelium et peritorum nobis assistencium consilio et assensu concedimus et promittimus hominibus civitatum villarum et locorum comitatus predicti, qui se nobis sic gratis ² subjecerunt, et contra Philippum de Valesio pro rege Francie se gerentem subvenire voluerunt; quod cum ipso Philippo non iniemus pacem sive treugam sine ipsorum consilio et assensu; et quod dictum Comitatum non dimittemus aut liberabimus prefato Philippo per pacem vel per treugam, nec ipsum comitatum ponemus extra manum nostram nisi alicui de filiis nostris propriis qui simul Ducatum Aquitanie et

¹ *venerunt cancelled.*

² *Interlined.*

Comitatum teneat supradictum, promittimus eciam quod firmatis convencionibus inter nos et dictos homines prelocutis; ponemus in dicto Comitatu aliquem sufficientem locum nostrum tenentem, capitaneum, ac eciam officarios et ministros idoneos, ut cunctis justiciam faciant, ac regant et dirigant homines dicti Comitatus et ipsum Comitatum per leges et consuetudines ibidem hactenus observatas, quas inviolabiliter ¹ volumus in omnibus observari. Volumus insuper et concedimus quod dicti homines et eorum singuli ad subsidium nobis pro milicia vel maritagio filii nostri, aut maritagio filie nostre, vel ad aliquod extraordinarium ² nobis vel heredibus nostris faciendum contra voluntatem eorum minime compellantur, nec teneantur pro nobis vel heredibus nostris ad guerram aliquam profiscisci, nisi pro defensione et conservacione Ducatus et Comitatus predictorum, et quociens contigerit homines dicti Comitatus in guerra nostra vel heredum nostrorum profiscisci, habeant de nobis et heredibus nostris vadia sua consueta, quilibet videlicet secundum exigenciam status sui. Ad hec concedimus et decernimus quod omnes processus inquisitiones et placita facta per prefatum Philippum et ministros suos contra homines dicti Comitatus, exceptis placitis civilibus et pecuniariis motis super hereditatibus et debitis, invalida penitus sint et nulla, et quod omnes banniti de dicto Comitatu ex quacumque causa prodicione dumtaxat excepta, redire possint illuc impune, et recuperare integre bona sua, hujusmodi bannicione non obstante. Concedimus eciam quod si contingat quod homines dicti Comitatus mutuo se diffidant, et sic inter se ad guerram et arma procedant; in illo casu pro delacione armorum vel dampnis et injuriis hujusmodi per eos illatis excepto incendio emendas aliquas non petemus, nec petere faciemus. Proviso quod non liceat sic diffidentibus vel diffid[atis] et eorum complicitibus infra villas vel loca nostra propria sibi injuriari alterutrim vel nocere, quod si facere presumpserint, subeant justiciam et jud[icium] secundum leges et consuetudines in dicto Comitatu hactenus observatas. Preterea volumus et concedimus quod homines civitatum, villarum et locorum [Comitatus] predicti habeant omnia et singula libertates immunitates ³ et ³ privilegia per . . . Comitem Tholose eis dudum concessa, que quantum in nobis est acceptamus

¹ *Substituted for* ibidem.

² *Substituted for* indebitum.

³ *Interlined.*

[innovam]us et jam in genere confirmamus,¹ et promittimus quod ea, cum de tenore ipsorum nobis constiterit; specialiter confirmare et innovare faciemus prout ad perpetuam eorum subsistenciam mel[ius vide]bitur expedire. In cujus &c. Data &c. apud Andewerpam xxviiij. die Novembris anno xiiij^{mo}.

¹ *The corrector has struck out* Ita quod ipsis et eorum quolibet gaudeant et utantur, non obstante quod ipsis vel eorum aliquo in preteritum [minime usi] sunt.

THE AUTHORS CITED IN THE *DEFENSOR PACIS*

THE acknowledged quotations made by an author by no means provide an exact indication of the range of his reading. Neither an upper nor a lower limit can, strictly speaking, be obtained from them. He has probably read more books than he cites, and he may quote at second or third hand from books he has not read. Some further hints may indeed be gained by searching investigation into his style and matter, but we are liable to find that our results are either very obvious or very hard to come at. For this more profound study, however, the verification and assorting of the acknowledged quotations have their uses, if we do not overrate them. They provide clues at least as to the probable books the author read, and throw light on his equipment, his methods, and his mentality.

With this object in view the following notes on the quotations and the like in the *Defensor Pacis* of Marsilius of Padua have been put together. Fortunately, a very correct and consistent text of Marsilius can be obtained from the best manuscripts; ¹ so that the actual form of his quotations may lie before us. Some classification has seemed advisable for convenience of comparison, and accordingly they are here grouped in two main divisions, (1) Christian and (2) Classical. The Christian quotations are again subdivided into (*a*) Biblical, (*b*) Commentaries, (*c*) Theological Treatises, (*d*) Legal Works, and (*e*) Histories. The Classical quotations hardly need

¹ I hope to publish shortly an edition of the text revised in accordance with the manuscript evidence.

a subdivision; they fall naturally into two categories, (a) Aristotle, and (b) other writers. No attempt has been made as a rule to furnish strict statistics; but, where it has seemed of interest, an estimate of proportionate frequency has been given. The bulls of Pope John XXII on the Emperor Lewis IV and on the doctrine of Evangelical Poverty have not been included.

The Christian literature may be taken first. (a) The Bible. It is very evident that Marsilius knew the New Testament extremely well. The citations from it are of course fewer in *Dictio I*, where the subject-matter—the constitution of the state derived from first principles—gives little opening for them. Yet even there, when an opportunity occurs, the four Gospels, the *Epistle of St. James*, and of St. Paul's epistles, *Romans*, *I Corinthians*, *I Timothy*, *II Timothy*, *Titus*, and *Hebrews* are used. In *Dictio II*, which deals with the life and commands of Christ, the primitive Church, the powers of the clergy and their duties, and the Christian doctrines of penitence and voluntary poverty, the quotations naturally come thick and fast, and their careful selection for their purpose bears witness to a thorough acquaintance with the Christian Scriptures. Only *II Peter*, *Jude*, and *I John* seem unused; *Philippians*, besides a genuine quotation,¹ provides a curious mistake, for it is cited wrongly instead of *Ephesians*.² As the chapter is given correctly, we have here no doubt a mere slip of the pen. In frequency of citation, *Mark* is the least used of the Gospels and *Matthew* the most. This is quite normal and due to

¹ Dict. II, cap. xv, pt. 5; Goldast's edition (*Monarchia Sacri Imperii*, vol. ii, Frankfort, 1614), p. 239. The parts, not given hitherto, will provide a reference to my forthcoming edition.

² Dict. II, cap. ii, pt. 3; Goldast, p. 193.

Matthew's greater length, more abundant matter, and first place in the canon of the New Testament, and the consequent greater richness of accepted commentaries. Among the other books, famous passages of St. Paul on obedience to the State, legal proceedings, church discipline, and the clergy, cause *Romans*, *I Corinthians*, and *I Timothy* to figure with especial prominence. It must always be remembered that Marsilius repeats favourite passages again and again—*nec reiterare piget*, as he says—partly because of their real aptness for his purpose, partly perhaps to make his authorities bulk larger in the reader's eye; but none the less he was evidently in no straits for texts. His quotations, again, are almost all verbal, copied from the book before him with great accuracy; those from memory, or giving only the sense of a passage, although they occur, are rare in him. As we should expect there is, too, a recognizable influence at times of Biblical phraseology.

The Old Testament, on the other hand, is very rarely quoted in either Dictio I (five times) or Dictio II. The books of *Daniel*, *Ecclesiastes*, *Proverbs*, and *Psalms* have perhaps a preference. Several of the few citations are at second hand from Peter Lombard and the New Testament, and there are two or three where only a general reference is given, implying little real acquaintance with the text. No great eagerness to quote is shown, and we derive the impression that the author had not read deeply in the Old Testament.

(b) We now come to the Commentaries. At first sight Dictio II has an appearance of profound reading in the Fathers; but on the quotations being checked, this appearance vanishes and is replaced by the evidence of a very careful and accurate study of the common 'Helps

to Bible Students ' of the day. There were four of these in which the text of Scripture could be studied with the Glosses. (1) the *Glossa Interlinearis*, brief explanations above the lines, put together in the eleventh century by Anselm of Laon; (2) the *Glossa Ordinaria*, compiled by Walahfrid Strabo in the ninth century, and written in the margin, often with an attribution of the author, from whom a gloss was supposed to be derived.¹ Both these glosses (normally found together) were brief, a boiled-down extract of infinite repetitions, and it would be a curious task to track each comment as it came down, mangled, expanded, digested, recombined, explained, misunderstood, and misappropriated, through the centuries. The gloss did not only hide the text as in *Master Hugues of Saxe-Gotha*; it could often obscure itself with the aid of the toiling learned. (3) The third commentary was far more profound and detailed. This was the *Catena Aurea* of St. Thomas Aquinas, in which a truly remarkable cento was made of old and new comments on the Gospels, compacted together with great accuracy and skill, the spoils of a library. Each extract was attributed to its source, how far correctly is not to the point here in question.² (4) Lastly, for the Epistles of St. Paul there was Peter Lombard's *Collectanea in Epistolas S. Pauli*, a work strongly resembling the *Catena Aurea*, which it preceded by a century, but resting on far fewer authorities and dealing more freely with their text.³

¹ I have consulted the *Glossa Interlinearis* and the *Glossa Ordinaria* in the Bible published by Mareschal in six parts, Lyons, 1529.

² The *Catena Aurea* is to be found among the works of Aquinas. The edition of Venice, 1593-5, shows it conveniently printed round the vulgate text. A critical translation was published by Newman and others, Oxford, 1841-5, 4 vols. in 8.

³ The *Collectanea* are reprinted in Migne, *Patrol. Lat.*, vol. xcii, with

On these four works Marsilius's glossarial learning depended. He occasionally cited the *Glossa Interlinearis* by name; more usually simply as '*Glossa*', just as he does the *Glossa Ordinaria*. He often, however, cites the *Glossa Ordinaria* under its attributions—*glossa secundum Augustinum*, &c.—which were more numerous in the manuscript he used than in the printed copy I have seen; thus it appears as Augustine, Ambrose, Jerome, on occasion. More frequently these special attributions mean that Marsilius is using the *Catena Aurea* or the *Collectanea*. He never mentions these two by name, except once,¹ when he inadvertently quotes Theophylact as Thomas, the compiler for the gloss. He hardly quotes from other glosses—one from Pope Gregory's *Moralia*² being really at second hand from the *Collectanea*, as an inspection of a manuscript of the latter has shown; two from St. Jerome being seemingly wrong references from memory; and one from St. Augustine, *De Verbis Domini super Matthaeum*,³ probably resting on a fuller text of the *Catena Aurea* than the printed one in Aquinas, *Opera* (Venice, 1593-5). His one quotation from Augustine's *Quaestiones Veteris et Novi Testamenti*, on Pentecost, was probably also at second hand.⁴ When his longer sources failed him for *I Peter*,⁵ he says truly, but with doubtful sincerity, that the Glosses here say nothing more than he has quoted on *Romans* xiii.

some slips, from the *Ed. Prin.*, Paris, 1535; this, too, can be corrected by the Camb. Univ. MS. li. i. 37.

¹ Dict. II, cap. xiii, pt. 24; Goldast, p. 228.

² Dict. II, cap. v, pt. 2; Goldast, p. 200; no precise book of the *Moralia* is given by Marsilius or Peter Lombard.

³ Dict. II, cap. iv, pt. 2; Goldast, p. 195.

⁴ Dict. II, cap. xvi, pt. 8; Goldast, p. 243.

⁵ Dict. II, cap. v, pt. 7; Goldast, p. 204.

Marsilius comes off very well from an examination into the actual manner of his quotations from these glosses. He was a most careful copyist, dealing accurately even with the tangled text of the *Collectanea*. Only very rarely does he cite from memory, though he may once and again have looked back to his own manuscript when re-quoting, and not to the original. But learned he was not, except in the New Testament ready glossed.

(c) In Theology, outside the Bible, no vast reading is shown in the *Defensor Pacis*. Such as it is, it is almost all referred to in Dictio II, and the same quotation has a tendency to recur, while separate quotations are often near neighbours in the cited work. Among older Christian literature St. Augustine's *City of God* only figures twice, once in each Dictio, for in other places its appearance in the text is due to the later insertion of vague references by copyists. Of the citations from St. Augustine on the authority of Scripture,¹ two at least (one from *De Trinitate* and one from *Ad Fortunatianum*) clearly come from Gratian's *Decretum*; ² that from *Contra Epistolam Manichaei quam vocant Fundamenti* is no less clearly at second hand.³ But the passage from St. Augustine's *Epistle to St. Jerome* [cxvi] (Migne, *Patrol. Lat.*, xxii. 937), although it is also in Gratian, was probably known to Marsilius from a collection of St. Jerome's letters, since he not only cites with great frequency St. Jerome's *Epistle to Evangelus* (misread Evander) for his presbyterian argument in

¹ Dict. II, cap. xix, pt. 5; Goldast, pp. 254-5.

² Gratian, *Decretum* I, Dist. ix, caps. 3 and 10. The extract from the *Epistle to St. Jerome* is cap. 5; which, however, does not quote like Marsilius, the initial words.

³ Marsilius could know of it from the protest (15 July 1322) of the Franciscan General Chapter against John XXII's bull *Quia nonnumquam* (see Wadding, vi. 398); but he quotes exactly and more fully than the protest.

Dictio II, but in the discussion on the validity of the enforcement of the Divine Law in this life¹ he uses a phrase from St. Jerome's *Epistle to St. Augustine* [cxii] (Migne, *Patrol. Lat.*, xxii. 916), which does not appear in the text of the *Collectanea* on *Galatians* ii, where excerpts both from St. Jerome's epistle and St. Augustine's reply are plastered together (Migne, *Patrol. Lat.*, cxlii. 110 seqq.). Further, Marsilius quotes some three times² under the title of *Expositio Catholicae Fidei* the Pelagian work attributed to St. Jerome, *Symboli Explanatio ad Damasum*; and he refers with a fine carelessness to the differing views of St. Jerome and St. Ambrose *de virginitate Joseph*,³ but the knowledge of this he doubtless derived from the *Collectanea* of Peter Lombard.

Then there is a small group of quotations connected with the Arian controversy, and used by Marsilius to support his arguments against the jurisdiction of ecclesiastics. St. Ambrose and St. Hilary of Poitiers are the authors, and the works cited are: of St. Ambrose, the *Sermo contra Auxentium de Basilicis tradendis* (Migne, *Patrol. Lat.*, xvi. 1049) and the *Epistle to Valentinian* refusing to attend the Consistory (*ibid.*, p. 1045), styled respectively by Marsilius *Epistola II*, called *Ad Plebem*, and *Epistola I*; of St. Hilary of Poitiers, the *Epistle to Constantius* (Migne, *Patrol. Lat.*, x. 557) and the *Contra*

¹ Dict. II, cap. ix, pt. 10; Goldast, p. 215. The words *in diaboli baratrum devotum* from St. Jerome's epistle (*c.* 925) are not taken up in *Collectanea*.

² Dict. II, cap. xix, pt. 5; cap. xxvii, pt. 9; cap. xxviii, pt. 20; Goldast, pp. 255, 290 (190), 297.

³ Dict. II, cap. xxviii, pt. 1; Goldast, p. 291 (168). See *Collectanea* on *Galatians*, cap. i. St. Ambrose's gloss is shown in an MS. of *Collectanea* to be from *Hic est* onwards, but his name is omitted in the *Ed. Priv.* and Migne, *Patrol. Lat.*

Auxentium (*ibid.*, p. 609).¹ It is easy to conjecture that all these were contained in the same codex.

Last among these older writers comes St. Chrysostom, whom Marsilius quotes against coercive ecclesiastical jurisdiction. The two works used are *De Sacerdotio* and *De Compunctione Cordis*; ² one might think that the quotations were taken at second hand, but they are accurate and Marsilius shows a special acquaintance with practical works on penitence and pastoral theology for the clergy. His group of medieval works under this head is made up of such. Peter Lombard, *Sententiae*, Bk. IV, Dist. xvii and xviii (on penitence and priestly absolution); Richard of St. Victor, *De Potestate ligandi et solvendi* (Migne, *Patrol. Lat.*, cxcvi. 1159); ³ Gerbert (Pseudo-Ambrose), *De Sacerdotali Dignitate* (*Ambrosii Opera*, ed. Ballerini, Milan, 1883, vol. vi); ⁴ and two noted works of St. Bernard on the duties of the papacy and the priesthood, the *De Consideratione ad Eugenium* and *De Moribus et Officio Episcoporum* (addressed to Henry, archbishop of Sens). From the two last, both frequently used in Dictio II, Marsilius quotes with relish passages reflecting on the secularization of the church, as well as others with a view to criticizing St. Bernard's over-high idea of the prerogatives of the Papacy. A single citation ⁵ from Hugh of St. Victor's *De*

¹ Dict. II, cap. ix, pt. 5; Goldast, p. 214.

² Dict. II, cap. v, pt. 6; cap. ix, pt. 4; cap. xi, pt. 3; Goldast, pp. 203, 214, 220. The 'old Latin' translation of *De Sacerdotio* was printed at Cologne by Ulrich Zell, c. 1470; that of *De Compunctione Cordis* may be found in the Basle edition of 1557 (Froben), v. 565. These must be used to see the accuracy of Marsilius's transcriptions.

³ Dict. II, cap. vi, pts. 5, &c.; Goldast, pp. 205 seqq.

⁴ Dict. II, cap. xxvi, pt. 12; Goldast, p. 283. The passage quoted agrees with Ballerini's text, not with that of Mabillon reprinted in Migne, *Patrol. Lat.*, vol. cxxxix, under the title *De Informatione Episcoporum*.

⁵ Dict. II, cap. xvii, pt. 19; Goldast, p. 251.

Sacramentis (Migne, *Patrol. Lat.*, clxxvi) on church property looks somewhat of an afterthought from the manuscript evidence. The citation of the 'proper preface for the Apostles' lay to Marsilius's hand in the Missal.¹

In all this section again there is no evidence of wide learning; the epistles of St. Jerome, a codex on the Arian controversy, and a few practical works for the priesthood supply Marsilius with citations. Here, too, he is a most accurate quoter and copyist.

(d) His legal equipment comes next. We have already seen his use of Gratian is likely. He probably took his reference to the Twelve Tables of Roman Law² from the same source (I, Dist. ix, cap. 3) rather than from a chronicle, and knew that the *Donation of Constantine* was there excerpted.³ He is familiar with the *Clementines* and the *Sext* and the famous *Unam Sanctam*, and makes one quotation from Gratian's commentator Uguccio of Ferrara.⁴ There are three references to Justinian's *Code* (Bk. I, Tit. iii, caps. 25, 41; Bk. I, Tit. v; Bk. XII, Tit. xxvi); they do not, however, imply any deep knowledge of the *Civil Law*.⁵ Further, he quotes the forged bull of Leo VIII to Otto I, and the election decree of Nicholas II, probably from Ivo of Chartres, although he suggests that it is from a chronicle rather than a collection of laws.⁶ But his great legal authority is the *Pseudo-Isidore*,

¹ Dict. II, cap. xxviii, pt. 8; Goldast, p. 293 (289). See, e.g., *Missale Romanum*, Milan, 1474 (Bradshaw Soc.), i. 204.

² Dict. II, cap. xviii, pt. 6; Goldast, p. 252.

³ Dict. II, cap. xi, pt. 8; Goldast, p. 221.

⁴ Dict. II, cap. i, pt. 2; Goldast, p. 189.

⁵ Dict. II, cap. xv, pt. 8; cap. xxv, pt. 7; cap. xvii, pt. 17; Goldast, pp. 240, 251, 277. Marsilius confuses the *oeconomus* of a diocese with the bishop.

⁶ 'Approbatis historiis', Dict. II, cap. xxv, pt. 9; Goldast, p. 277. The bull occurs in Ivo of Chartres' *Panormia*, viii, cap. 136, and the

which he quotes again and again in Dictio II, chiefly from the genuine documents, in support of his anti-papal and secular thesis, a curious fate for that compilation. In it he doubtless read the full text of the *Donation of Constantine* and the forged *Epistles of St. Clement to St. James*, the authenticity of which he shrewdly denies.¹ *Pseudo-Isidore* in fact is his main legal equipment. There is, however, one curious exception: he quotes in full, seemingly from *Pseudo-Isidore*, the letter of Theodosius II to Dioscorus of Alexandria, summoning him to the 'Robber Council' of Ephesus in 449.² This hardly canonical document does not occur in the printed texts of *Pseudo-Isidore*, and, unless Marsilius' own MS. of the compilation by some chance contained it, it would seem that he must have seen the *Acts of the Council of Chalcedon*, in which it is included.

(e) The 'approved histories', to which Marsilius is so fond of referring, reduce themselves almost to one, Martinus Polonus, *Chronicon pontificum et imperatorum*, a compilation derived largely from the *Liber Pontificalis*. He often cites Martin by name; but such statements as those on the heresy of Pope Liberius, on the institution of All Saints' Day by Gregory IV and Lewis the Pious, and the Investiture Decree of Pope Simplicius are also taken from him.³ Lastly come the Legends of the Saints. election decree, *ibid.* iii. 1; Marsilius' text agrees with Ivo against Gratian (I, Dist. lxiii, cap. 23), and he links Nicholas II's decree with an earlier one of Stephen IX's as they are in Ivo, but not in Gratian.

¹ Dict. II, cap. xxvii, pt. 1; cap. xxviii, pt. 4; Goldast, pp. 288, 291 (268).

² Dict. II, cap. xxi, pt. 7; Goldast, p. 260. For the letter, see Mansi, *Concilia* (Florence, 1761), vi, cc. 587-90. I am indebted to Professor C. H. Turner for information kindly given me on this point.

³ Dict. II, cap. xx, pt. 6; cap. xxi, pt. 15; cap. xxv, pt. 7; Goldast, pp. 257, 263, 277.

Marsilius knows that of St. Peter and Simon Magus, and refers in general terms to those of the Apostles and that of St. Gregory the Great.¹ But his astonishing account of St. Peter being beheaded, and having been 'elected' bishop of Antioch,² seems to rest on hazy recollections or a hasty consultation of *Pseudo-Isidore* and Martinus Polonus,³ and it is unlikely that he had any other authority at hand.

Outside the classification there is a probable reference to the school-book, *Pseudo-Catonis Distichi*,⁴ and the lonely quotation from the first letter of Cassiodorus, with which Marsilius begins his treatise. Is it improbable that it struck his eye on opening a codex, and that he read little farther?

An acute and original mind, of an accurate habit, seems here revealed, stored with learning in one special, narrow field, but outside that—to put it harshly—something of a sciolist. We may now see what impression is to be got from the classical quotations.

¹ Dict. II, cap. xvi, pt. 16; cap. xviii, pt. 3; cap. xxiii, pt. 7; Goldast, pp. 245, 252, 270. He seems to be thinking of the life of Gregory by Johannes Diaconus, *Acta Sanctorum*, 12 March (vol. ii).

² Dict. I, cap. xix, pt. 7; Dict. II, cap. xvi, pts. 9 and 16; Goldast, pp. 187, 243, 245. 'Petrus Antiochiae legitur electus in episcopum per fidelium multitudinem' (p. 243); 'ambo simul capite privati' (p. 245); 'obtruncato capite mortuus est, et cum eodem, eadem hora et loco, Paulus apostolus' (p. 187).

³ Martinus Polonus (*Mon. Germ. Hist. Script.* xxii. 409) has 'Antiochiam ubi cathedram adeptus'; Marsilius evidently used in *Pseudo-Isidore* Gelasius, *Decretum* . . . *de apocryphis scripturis* (Migne, *Patrol. Lat.* cxxx. 984): 'beatissimi Pauli apostoli, qui non diverso, sicut haeretici garriunt, sed uno tempore, uno eodemque die gloriosa morte cum Petro in urbe Roma sub Caesare Nerone agonizans coronatus est, et pariter . . . Romanam ecclesiam Christo domino consecraverunt.' Did Marsilius think *coronatus* meant 'beheaded'?

⁴ Dict. II, cap. xxiv. pt. 17; Goldast, p. 275; with less likelihood Marsilius may draw from Phaedrus, *Fabulae*, v. 8.

(a) Among the classics, the main source used in the *Defensor Pacis*, as we should expect in any philosophic work of the date, was Aristotle, known through the 'old Latin' translations, both direct from the Greek, mainly dating from the thirteenth century, and from the Arabic. On one occasion in Dictio I the two (from the Greek and from the Arabic) are compared for a passage in the *Metaphysics*; ¹ but in point of fact the translations are in almost every case those executed direct from the Greek by Moerbeke and his like, and are identical, where identity is possible, with those commented on by Aquinas.² Aristotle is not unfrequently referred to by a flattering epithet, 'eximius Philosophus' and the like; when no precise reference is given and the quotation is presumably from memory, the circumlocution 'iuxta Sapientis Gentilis oraculum' is used, seemingly to fill out the rhythm.³ Proportionate statistics of this all-important source are of interest. The books used may be ranged in order of frequency of citation. Owing to the love of repeating favourite passages which is characteristic of the *Defensor Pacis* the citations do not all represent separate extracts.

¹ Cap. xi, pt. 3 (Goldast, pp. 167-8); the translation direct from the Greek is to be found in Aquinas, *Opera*, see next note; that from the Arabic is printed by Manardus with the commentary of Averroes, see below, p. 418, n. 1.

² Susemihl and Sprengel have published critical texts of the 'old Latin' *Politics* and *Rhetoric*. *Posterior Analytics*, *Ethics*, *Physics*, *Metaphysics*, *De Caelo et Mundo*, *De Generatione et Corruptione*, and *De Anima* are in the works of Thomas Aquinas (Venice, 1593-5). The 'old Latin' *Problemata* is edited by T. Gaza, Venice, 1505, along with a new translation of his own. It is noticeable that John of Jandun became acquainted with the translation of the *Problemata* by the Paduan teacher, Peter of Abano, 'per dilectum meum magistrum Marcilium de Padua'.

³ Dict. I, cap. xvi, pt. 15; Dict. II, cap. xxiv, pts. 10 and 15; Goldast, pp. 180, 273, 274.

<i>Politics</i> ,	some	81	times in Dictio I,	2	times in Dictio II		
<i>Ethics</i> ,	"	14	"	"	5	"	"
<i>Rhetoric</i>	"	9	"	"	2	"	"
<i>Physics</i>	"	5	"	"	3	"	"
<i>Metaphysics</i>	"	6	"	"	1	"	"
<i>Sophistici elenchi</i>	"	2	"	"	2	"	"
<i>Posterior Analytics</i>	"	1	"	"	1	"	"
<i>De Generatione et Corruptione</i>	"	1	"	"	1	"	"
<i>Economics</i>	"	1	"	"	1	"	"
<i>De Anima</i>	"	2	"	"		not in Dictio II	

De Partibus Animalium, *De Motu Animalium*, *De Caelo et Mundo* all occur once in Dictio I; *Problemata* once in Dictio II.¹

On looking over these figures, the immensely greater frequency of the citations, especially from the *Politics*, in Dictio I is evident; none the less, the favourite books of Dictio I are repeated in Dictio II, and the change of theme and purpose pretty well accounts for the difference. The place of the glossed New Testament in Dictio II, religious and ecclesiastical as it is, is taken by Aristotle in the secular reasoning of Dictio I. The method of quotation is very characteristic. With insignificant exceptions, the extracts are accurately transcribed, clearly with the manuscript before the writer; in fact they could be used as manuscript evidence of the text excerpted.²

Averroes' *Commentary* is cited once in Dictio I, referred to unnamed another time, and probably used a third.

¹ The presence of unattributed quotations in the *Defensor Pacis* leaves these figures incomplete.

² Cf. in Dict. II, cap. ix, pt. 8 (Goldast, p. 215), and Dict. I, cap. xix, pt. 12 (Goldast, p. 188), the quotation from *Politics*, vi. 15 (Susemihl, pp. 440-1), reading 'propter quod non omnes'. Susemihl omits the *non*, but supplies *oû* by conjecture in the Greek text.

This rare appearance is natural enough in a treatise which deals with politics and revealed religion.¹

Although it is somewhat outside the present theme, it should be added that the influence of Aristotle is betrayed in other ways than in direct citations. There is the echo of style and wording, whether shown in the odd locution with the relative *qui* (e. g. *eum qui Romanorum*) invented by the translators to represent the Greek use of the article, or in such a phrase as 'notiore nobis' (disguised as *notationibus* in Goldast), borrowed from the *Posterior Analytics*; ² and there is the influence of method, which leads to chapters defining the sense of the words used in the treatise.³ The *Organon* has left deep traces on the thought of the *Defensor Pacis*.

(b) Apart from Aristotle the classical learning shown is small enough. The list is headed by Book I of Cicero's *De Officiis*, evidently a favourite, for it recurs five times in Dictio I, twice in Dictio II. Book III of the same work is evidently the source of the rhetorical reference to Cato, the Scipios, and the Fabricii in Dictio II.⁴ Sallust's *Jugurtha* ⁵ and *Catilina* are each referred to once

¹ Averroes' *Commentaries* are printed in the edition of Aristotle by Manardus, Venice, 1560. His commentary on the *Metaphysics* is quoted by name, Dict. I, cap. xi, pt. 3 (Goldast, p. 168); his opinion of the 'eternal generation' of mankind is mentioned, Dict. I, cap. xvii, pt. 9 (Goldast, p. 184); and his comment on *De Partibus Animalium*, iii. 4, seems used, Dict. I, cap. xv, pt. 5 (Goldast, p. 176).

² Dict. II, cap. ii, pt. 4; Goldast, p. 193. Cf. *Post. Anal.* Bk. I, cap. 2, in Aquinas, *Opera*, i, fo. 19 v: Causas quoque notiores oportet esse et primas causas. . . . Priora autem et notiora dupliciter sunt. Non enim idem est natura, et ad nos prius; neque notius natura, et nobis notius, &c.

³ Dict. I, caps. ii, x; Dict. II, caps. ii, xii.

⁴ Cap. xiii, pt. 39; Goldast, p. 231. The three names occur together in *De Officiis*, iii. 4 (16).

⁵ Dict. I, cap. i, pt. 2; Goldast, p. 154. The best manuscripts read *Jugurtha* (correctly), and not *Catilina*, which is cited later.

in Dictio I. One reference, probably implying much more, to Galen's *De Foetuum Formatione* ¹ in Dictio I, and an allusion to Hippocrates in Dictio II, together with one quotation of a medical maxim, 'plures sanat ille de quo plures confidunt', ² are all the quotations that I have noted which are due to Marsilius's medical reading; and this, to judge from his frequent medical illustrations, must have been of some extent. A dubious quotation from Seneca's letters, ³ and a certain reference to a fable of Æsop, ⁴ complete the classical list and the present survey of Marsilius's quotations.

So far as they go, these citations and the use made of them in the *Defensor Pacis* give a very consistent impression. The author knew well Aristotle's works, the New Testament and its glosses, Cicero's *De Officiis*, and a small group of Christian works: the *Pseudo-Isidore*, a codex of St. Ambrose and St. Hilary of Poitiers, certain epistles of St. Jerome, and certain works on 'pastoral theology' (St. Bernard, St. Chrysostom, Peter Lombard's *Sententiae*, Bk. IV, and Richard of St. Victor's tract). He had a considerable acquaintance with the later *Decretals*, and knew Gratian and Ivo of Chartres' *Panormia*, but he had only a superficial knowledge of the *Civil Law*. His history did not extend far beyond Martinus Polonus. His real reading had a very practical bent towards conduct private

¹ Called *De Zogonia*, Dict. I, cap. xv, pt. 5; Goldast, p. 176.

² Dict. II, cap. xxv, pt. 20; Goldast, p. 280.

³ Dict. II, cap. xi, pt. 2; Goldast, p. 220: 'Faciendum a faciente discendum' attributed to Seneca, *Ep.* 9. I have not found this, but its meaning is in *Ep.* 6: 'quia longum iter est per praecepta, breve et efficax per exempla'; and in *Ep.* 52: 'qui vita docent, qui cum dixerint quid faciendum sit, probant faciendo etc.'

⁴ Dict. II, cap. xxvi, pt. 12; Goldast, p. 283; 'Æsop' is probably Phaedrus, iv. 19.

and political; and he had a strong taste for scientific accuracy in quotation, thought, and expression. Where this fails, he is likely to be either merely decorating or consciously disingenuous. But though he quotes to the letter, every quotation is induced to justify the workings of a very original and observant mind, which, awakened by Aristotle, looked with fresh eyes both on the Bible and the life around it. Not even his quotations from Aristotle's *Politics* or his shrewd deductions from the New Testament really justify *per se* the scheme of society he brings them to support. He hales his authors to deal with questions which had not arisen in their time, or on which their true conclusions were opposed to his. But he wrote for a world which demanded texts culled from infallible authorities and the prestige of an awe-inspiring host of commentators; and he gave it what it asked, with the aid, according to early report, of a collaborator. Still, whatever collaboration was admitted in the *Defensor Pacis*, the temper of one mind seems to rule its procedure, and that mind, however hardy in speculation, was led, not by authority, but by *experientia rerum magistra*.¹

C. W. PREVITÉ-ORTON.

NOTE.—Since the above was in print I have found the source, whether immediate or through an excerpt, of Marsilius' curious statement that, at Antioch, St. Peter was elected bishop 'per populum' (Dict. I, cap. xix) or 'per fidelium multitudinem' (Dict. II, cap. xvi). It is the *Pseudo-Clement, Recognitiones*, Bk. X, cap. 71 (Migne, *Patrol. Graeco-Lat.* i, c. 1473): 'Theophilus . . . ingentem basilicam ecclesiae nomine consecraret, in qua Petro apostolo constituta est ab omni populo cathedra, et omnis multitudo . . . credebatur sanae doctrinae, etc.' The festival of Cathedra S. Petri in Antiochia is on 22 February.

¹ A tag that also appears in a bull of John XXII, *Ad conditorem canonum*, and earlier in a decree, *Quam sit ecclesiis*, Gregory X in the Council of Lyons.

AN OXFORD HALL IN 1424

IT is well known that in the Middle Ages most members of the University lived in halls, and that this was especially true of undergraduates. University College, Merton, and Oriel had no undergraduates originally, and though Balliol, Exeter, Queen's, and New College had some, they were fewer than the graduate members of those colleges. When Walter Paston came to Oxford in January 1473, neither he nor any one in his position could obtain entrance at any place except a hall. We know the names of these halls, what their rents were, where they were situated, their owners, and many of their principals; but we are ignorant of the inner life of a hall; we do not know what it cost to live at a hall, or what the internal arrangements were. It is true that there are some *Statuta Aularia* which have been printed by Dean Rashdall in the second volume of the *Universities of Europe*, but it is not easy to reconstruct the life of a hall or a college by reading the statutes.

Such has been our ignorance that a few scribblings discovered by Mr. A. B. Emden, Vice-Principal of St. Edmund Hall, have doubled our knowledge. Among the muniments of Barnstaple he found a small book of logic or notes for lessons on logic, written on paper, probably in the fifteenth century: as it begins with 'the five universals' like Milverley's logic, it may be that the book contains notes on that writer. In 1424 it was in the possession of mag. John Arundel, and on the blank pages he made some memoranda about the money he had received from his pupils and what he had paid out.

The following are his jottings about a pupil named W. Clavyle :

Memorandum quod recepi a W. Clavyle xxs. ; de quibus recepit in primis *xd.* pro libro & calepodiiis ; item recepit *viiiid.* pro camisia ; item pro gaudiis *xiid.* ; item recepit pro pannis lineis *vd.* ; item pro communis *iiis. viiid.* ; item in communis *iiis. iid.* ; summa communarum *vis. xd.* ; item pro gaudiis sophistarum *viiiid.* ; item pro cerothecis *iiid.* ; item pro lumine sancti Nicholai *iid.* ; item pro cumulatione *xxd.* ; item coco & mancipio *xiid.* ; item pro cumulatione *xxd.* ; item pro lectura *xxd.* ; item pro camera *vid.* ; item pro transitu domorsum *xxd.*, quorum dedi duos grossos pro cumulatione. Summa omnium expensarum Clavyle in primo termino *xvis. viiid.*, & remanet in manibus meis de antiqua summa *xld.* ; item recepi post festum Nativitatis duo nobilia in camera mea.

This is evidently the account for Michaelmas Term. The system is the same as we find nearly three centuries later with some of the young Flemings when they were at Oxford. The tutor is provided with a sum of money which he doles out to his pupil, as his needs require, and the undergraduate himself has nothing. When the money is exhausted, the tutor is given a further supply. No doubt the tutor had to send an account to the parent, showing how the money had been spent. Although the account is 'in primo termino', the words must mean 'for the first term that he was in my charge' ; for there are indications that Clavyle had been at the University two years or more, and that he passed his first examination in this term and became a *sophista* ; this, we presume, is why he required gloves and two feasts (*gaudia* being the regular word for a feast), and it explains the size of his *cumulaciones*. This word was used of any Academic payment ; thus we read,¹ 'statutum est quod quilibet aularis magistro vel doctori suo atque bidello sue facultatis,

¹ *The Universities of Europe*, ii. 777.

quantum consuetum est, cumaret'. With most pupils the *cumulacio* is about twopence a term, and is sometimes entered as *pro contribucione*, sometimes merely *pro bidello*, the beadle apparently receiving every term a small payment from each member of the University who belonged to the faculty of which he was beadle; but when an examination was passed, there would be other fees to the beadle and also probably to the master, and the annual fee of 12*d.* a year to the lecturer in logic¹ would be called *cumulacio*. The word *domorsum*, unrecognized by the dictionary, is used repeatedly in these jottings; *pro transitu domorsum* or *pro devillacione* means 'for going home'. It is not likely that pupils who lived far away would go home at Christmas, but Clavyle must have lived within 100 miles of Oxford,² if his journey home with the carrier cost only 12*d.*; for the note which follows explains that the journey cost 12*d.*, and the other 8*d.* had already been entered under *cumulacio*; by this means the total will prove to be correct. The payment to the light of St. Nicholas is mentioned in the *Statuta Aularia* as a regular charge.³ The *lectura* costing 20*d.* is the *lectura aularis*, the lessons given in the hall. The room-rent, 6*d.*, is surprisingly small, and no doubt the explanation is that three or four undergraduates would share a room. The rent for a single room in a hall or a college was 8*s.* to 10*s.* a year,⁴ but the *Statuta Aularia* assume in many places that most undergraduates will only have a portion of a room. If three more besides Clavyle occupied the

¹ *Munim. Ac.*, p. 427.

² There was a family of Clavyle at Purbeck in Dorsetshire.

³ *The Universities of Europe*, ii. 777.

⁴ At Athelstan Hall it was 10*s.* (*Munim. Ac.*, p. 556); at Oriel and University College this was the usual rent; occasionally it was 13*s.* 4*d.* in a college (*ibid.*, p. 655).

room, the total rent would be 8*s.* a year. The commons amounting to 6*s.* 10*d.* include battells as well; in some cases Arundel kept them distinct in his accounts, and there was this difference, that battells were luxuries which were ordered by each individual, if he required more than the regular commons. The cost of living is surprisingly cheap; for in one case we are told that a term lasted twelve weeks; some terms may have been shorter, but if the undergraduates returned to Oxford at Michaelmas there would be twelve weeks before Christmas. We can feel certain that their term was not limited to the eight weeks when the regents delivered their *ordinaria*, and that it was possible to live for twelve weeks on the sum of 6*s.*, or even less.

The entry about another pupil is :

Mem. quod magister Iohannes Arundell recepit a Thoma Russell pro filio suo Iohanne Russell, xxiii die Maii anno domini M CCCC XXIIII, iiii*s.* iiii*d.* qua. ad satisfaciendum pro communis eiusdem Iohannis pro toto tempore intercepto inter festum sancti Marci [April 25] anno supradicto et festum Pentecostes [June 11] eiusdem anni. Istam summam recepit in die quo ordinabatur creditor predicti Iohannis filii eiusdem Thome.

This is the only entry which gives a date; it also gives the name of the writer. John Arundel was of Exeter College. Mr. Boase¹ finds the first mention of him in November 1420, and he adds 'not yet B.A.'; but he does not say on what grounds he makes this conclusion. If he is mentioned at that time without the word *dominus*, it is no proof that he was an undergraduate. As he was Proctor in 1426, he must have been M.A. about 1420 or 1421, for at this time the Proctor was always an M.A. of five or six years' standing. In 1424 when he made

¹ *Reg. Coll. Exon*, p. 32.

these notes he was principal of a hall, for he tells us 'Mem. quod solui finaliter pro aula mea Iohanni Skynner in aula mea, testibus Heyton et socio suo'. It has not been possible to identify the hall, but if we are to guess we might fix on St. Mildred's Hall, the property of Oseney Abbey. It was near Exeter College; Oseney rentals tell us that it was occupied by Robert Peper in 1428, by Walter Lyhart in 1425, and by William Penbegyll in 1413, all of whom were Exeter men; and John Rowse says that it was a hall of Artists, as was certainly the case with Arundel's hall. But whatever the hall was we must notice that Arundel remained a fellow of his college although he occupied a hall, and it will be found that this was very common in the fifteenth century. He seems to have left Oxford in 1430;¹ he was appointed a canon of Exeter in 1442,² chaplain and medical attendant to Henry VI in 1454, and was bishop of Chichester from 1458 to 1477. The word *creditor* occurs in the *Statuta Aularia* for a tutor to whom a boy is entrusted.³ Dean Rashdall assumed that to have a *creditor* was a luxury of the rich;⁴ but Arundel's book shows that his pupils were poor, and a study of the *Statuta Aularia* suggests that every undergraduate had a *creditor*, but that when, as in most cases, this was the principal himself, the title would rarely be used.

Of another pupil named Hardyng we have the following:

Summa omnium expensarum Walteri Hardyng a tempore recessus magistri I. Bewcombe ixs. vii. d. ; iste compotus fiebat in festo Marci post Pascha ; item pro barbitonsore *id.* ; summa totalis cum lectura xis. xid.

¹ *Ibid.*, p. 32.

³ *Universities of Europe*, ii. 779.

² *Register of Bp. Lacy*, p. 269.

⁴ *Ibid.*, ii. 626.

It will be noticed that if the *lectura* was 20*d.* and the *camera* 6*d.*, the total is correct. John Beaucomb, who was at Exeter College from 1415 to 1423,¹ had been in charge of Russell as well as Harding, and there is a note 'mag. Ioh. Beaucombe computavit pro Russell et Harding'. It is natural to suggest that early in 1424 he was promoted and left Oxford, and resigned his pupils and his principalship to John Arundel. It would be interesting to know if something was paid for the goodwill in such cases.

The entries about John Russell are :

In primis pro gaudiis xi*d.* ; pro gaudiis sophistrie viii*d.* ; pro bidello ii*d.* ; pro calepodiiis iii*d.* ; pro sotularibus v*d.* ; pro candelis i*d.* ; pro alimand' ob. ; pro sotularibus vi*d.* ; summa omnium expensarum deliberatarum Iohanni Russell per manus magistri I. Arundell xii*s.* iiiii*d.* qua. ; item pro rasura capitis sui i*d.* ; item pro coco i*d.* : summa totalis xiii*s.* ix*d.* qua. ; & sic debet michi xvi*d.* qua.

It is unfortunate that Arundel does not give the details of expenditure, but we notice that Russell had the same gaudies as Clavyle. We also notice that the final total is nearly correct, if 20*d.* for *lectura* and 6*d.* for *camera* are added. It is evident that the money which Arundel held for John Russell at the beginning of the term was one mark.

The expenses of John Wode are in some respects the most startling. The account begins :

Memorandum quod recepi a Iohanne Wode ii nobilia per manus magistri Edmundi Fychet in collegio Exon in die Sabati post prandium in fine secunde septimane Quadragesime.

He then proceeds to give the commons and battells week by week for twelve weeks, the total being only 4*s.* 8 $\frac{3}{4}$ *d.*, or less than 4 $\frac{3}{4}$ *d.* a week. We naturally ask whether it was possible to live so cheaply, for the lowest rate of

¹ *Reg. Coll. Exon.*, p. 30.

commons at a hall is assumed to be 8*d.* a week, as mentioned in *Munimenta Academica*, p. 469. But as a penny a day was the price paid for unskilled labour, we may reckon that 4 $\frac{3}{4}$ *d.* would represent nearly 20 shillings now. Further, in a sermon¹ preached at St. Paul's Cross in 1550, the preacher said that poor students were content for their dinner with a penny piece of beef between four. As beer was a penny a gallon, a farthing of beer would be enough for two days; so that it is not impossible that an undergraduate could live on less than three farthings a day. In an Oseney deed we have a case of even cheaper living. About 1450 the abbey leased Lion Hall to John Cobbow, grammar-master, and one of the conditions of the lease was that the abbot might send a boy to Cobbow's grammar school free of charge, but that if the boy had commons at the school the abbot would pay 12*d.* a term. This means that it was possible to supply a small boy with one meal a day, for six days of the week, at a cost of a penny a week;² in other words, that it would be possible to feed him for a week for about 2 $\frac{1}{2}$ *d.* It may be added that Edmund Fychet was Rector of Exeter College from 1422 to 1424.³

The accounts of a pupil called Lewis are brief. Arundel received from him 17*s.* 6*d.* at the beginning of the term; he sold books to his pupil on two occasions to the value of 7*s.* in all; twopence was paid to the beadle; also 'Ludovycus recepit duos solidos pro transitu London'. At the foot there is a note 'sedecim denarios pro equo pro qualibet septimana'. Perhaps we may conclude that

¹ Quoted by W. H. Hutton in the *History of St. John's College*, p. 35.

² Thomas Eglesfield, who attended Leyland's school in 1421, paid 10 $\frac{1}{2}$ *d.* for battels for twelve weeks, i. e. less than a penny a week (*Magrath, History of Queen's College*, i. 321).

³ *Reg. Coll. Exon.*, p. 31.

Lewis hired a horse and rode to London and back at a cost of two shillings.

Lastly we may give the accounts of Robert Canon :

Memorandum quod recepi a Roberto Canon xxs. in festo Michaelis ; de quibus ante festum Natalis recepit xiiis. *vd.* ; item post festum Natalis solui pro ipso pro communibus iis. *vd.* ob. qua. ; pro lotrice *id.* ; pro petilio ¹ *id.* ; pro calopodiis *iiiiid.* ; item pro communibus *iiis.* *vid.* ob. qua. ; item pro sotularibus *vid.* : item pro cumulacione *iid.* ; perdidit *iiiiid.* in nobilibus ; item *id.* pro lotrice ; item in communis *viid.* ob. qua. ; in batellis *iid.* ; pro oblatione *iid.* ; pro caligis *xiiid.* ; item pro factura manicarum & barbitonsore *iiid.* ; pro lotrice *id.* ; ob. pro quo nescio ; *viid.* pro sotularibus ; item pro zona *id.* ; item costagiis domorsum *iis.* ; item pro caligis *xiiid.*

This account is incomplete, but the first entry, saying that the expenses of the Michaelmas Term were 12*s.* 5*d.*, is definite. From all these accounts we draw the conclusion that young undergraduates, such as were entrusted to Arundel, need not spend more than fifty shillings a year, including board, lodging, teaching, fees, amusements, and clothing. It must be remembered how young they were. Cardinal Wolsey, who was B.A. at the age of 15, must have been an undergraduate at 11 or 12 ; this no doubt was unusual, but the Register of Congregation (yet unprinted) mentions two Bachelors of Arts about 1460, who were not allowed to wear their hoods until they had grown. The undergraduates whose accounts are in this book were probably aged 14 to 16, and no doubt their expenses were higher when they had become Bachelors. It will be noticed that when Canon wanted to make an oblation in church, he had to ask his tutor for the money.

The book also contains notes about financial transactions with some to whom the title *dominus* is given. This

¹ *petilium* means 'an arrow', which does not make sense ; perhaps he meant *pro peculio*, 'for pocket money'.

indicates that they had taken the degree of B.A.; but we are not certain that they were inmates of Arundel's hall. In one case we know that the man was not a member of any hall; for the name is dominus Walterus Lyhert, who, after a career at Exeter College, was elected a fellow of Oriel and became Provost of the college and subsequently bishop of Norwich. It is probable that some of these bachelors were under Arundel, for instance John Palmer, of whom the entry is:

Dominus Johannes Palmer debet michi iiii. iid. ex mutuo; item debet pro lectura unius termini; item dominus Johannes Palmer mutuatus est a me unum nobile in recessu suo.

These entries about bachelors are unlike the entries about undergraduates; they are records of the money which the bachelors borrowed from their tutor, and in no case do we find that Arundel was given a sum of money to be laid out for the benefit of a bachelor. The conclusion we draw is that when a man had taken the degree of B.A. he was considered to be competent to keep his own money, though it is clear that towards the end of the term he often found that his money was finished, and he borrowed from his tutor until after the vacation.

An interesting entry is the contract between Arundel and mag. Ioh. Burwyke who was to help in teaching the undergraduates. He was of Exeter College¹ and probably a year or two junior to Arundel; he remained at Oxford until about 1430,² and in 1435 was appointed to a portion in the collegiate church of Glasney.³ The first agreement was:

Memorandum quod Iohannes Burwyke conuenit mecum ad legendum in anno futuro, ita quod habeat quolibet termino trium

¹ *Reg. Coll. Exon.*, p. 32, ed. C. W. Boase.

² *Ibid.*

³ *Register of Bp. Lacy*, p. 196.

terminorum, si viginti duo scolares sint in aula lecti de illo xs.; habebit, si ultra habeamus, de quolibet medietatem; & pro lectore tercio solvet ipse medietatem et ego aliam.

But this was altered by erasing the last sentence and substituting

& tercio lectori dabit xld., si summa sua extendat se ad xxs., & non aliter.

If, as we have seen, an undergraduate paid 20*d.* a term for his teaching, Arundel and Burwyke would each receive 10*s.* a term if the number of scholars was twelve; from twelve to twenty-two all the advantage would accrue to Arundel; but if the number was between twenty-two and thirty-four, he would have to pay a third teacher, apparently at the rate of 6*s.* 8*d.* a term; if the number was beyond thirty-four, the portion of Burwyke would be more than 20*s.* and he would pay half the salary of the third teacher. It is assumed that the number might be more than thirty-four, and it certainly was more than twenty-two, for there was a third teacher, mag. Thomas Topclyff, of whom there is the entry 'Topclyff recepit xld. a me pro lectura, et xld. iterum', and on another page, 'Mem. quod satisfeci Thome Topclyffe usque Pascha & pro secundo termino habuit iiiis. ob. et xx*d.*' These two entries suggest that the whole salary was paid by Arundel, and that the number of scholars did not rise to thirty-five.

It may naturally be asked whether it was possible that Arundel's hall contained thirty-four undergraduates. It has been estimated by Dean Rashdall that in the fifteenth century the average number in a hall was about ten;¹ for in 1438 the University stated that it had less than

¹ *Universities of Europe*, ii. 588.

a thousand members,¹ of which we may reckon that 200 would be resident in the colleges, and perhaps 100 more were friars and monks; this leaves 700 to be distributed among the halls which at that date were sixty-five to seventy in number, and gives an average of ten or eleven to a hall. But the question is not quite as simple as this; for halls varied much in size, and one hall might be four times as large as another. When William of Wykeham was building New College he lodged his scholars, in 1378, in five adjacent halls, Black Hall, Hert Hall, Sheld Hall, Maiden Hall, and Hamer Hall. Of these halls the first was rented at £5 a year, and the other four combined were worth about the same amount. As his scholars were at this time between sixty and seventy in number, we conclude that Black Hall could have held thirty of them; but few halls were of this value, and as Arundel's hall certainly included some bachelors besides the undergraduates, we should require to find a hall which would hold nearly fifty, and that is out of the question. A normal hall was eleven or twelve yards wide and about the same in depth, as may be seen at Tackley's Inn (nos. 106 and 107 High Street), where the back wall is standing; occasionally the building was extended into the courtyard behind, as at Broadgates in All Saints,² but in most cases a hall was of eight rooms, four on each floor, and if one room was reserved for a refectory and one for the principal, and the rest were divided between undergraduates, four to a room, and bachelors, two or three to a room, the occupants could not be much more than twenty. If therefore those who were taught by Arundel were thirty or more in number, we conclude that some

¹ *Ep. Acad.*, p. 155.

² See the plan in Skelton's *Oxonia Antiqua*, Pl. 141.

of them came from other halls or from colleges. When young Thomas Eglesfield was at Queen's College and not yet an undergraduate, he was sent as a day-boy to the grammar school of Leyland,¹ and there is no reason why he should not have been sent as a day-boy to some hall, after he received the tonsure and began to study logic. Certainly the *Statuta Aularia* show that men from one hall might go to another for their teaching and even for their board,² using their proper hall only for sleeping, and we must assume that half the pupils who attended the classes of Arundel and his deputies were of this kind.

The conclusions we have reached about the cheapness of board and lodging in Arundel's hall seem to be confirmed by some deductions we make from the list of halls known as Rowse's list.³ John Rowse states that when he was at Oxford, evidently between 1440 and 1450, there were sixty-three academic halls, whose names he gives; five were grammar halls, twenty-one were for Artists, thirty-two for Legists, one for both Artists and Legists, one was occupied by theologians, and of three he gives no description. The strange feature in this list is that the halls of Legists outnumber the halls of Artists. If it is remembered that all undergraduates were Artists, for no one might join the faculty of Law or Medicine until he had taken the degree of B.A., and that besides the undergraduates there were many studying for the degree of M.A., the Artists must have been nearly, or quite, three times as numerous as the Legists. If the residents in halls were at this time about 700, we may assume that more than 500 were Artists and less than

¹ *History of Queen's College* (J. R. Magrath), i. 321.

² *Universities of Europe*, ii. 774.

³ Printed in Wood's *City of Oxford*, i. 638.

200 were Legists; and this gives an average of more than twenty for each hall of Artists, and six or less for each hall of Legists. This conclusion is so startling, that we must consider whether Rowse's list is trustworthy; the original has long been lost, and errors may have been made when it was transcribed; but where it can be tested it is accurate enough. We know from the list of halls in the Chancellor's Register that in 1440-50 the halls were about sixty-five in number; the names given in the list are, with a few exceptions, correct; the geographical position of the halls is stated fairly accurately; and the assignment of halls to different faculties is found to be correct in the one place where we can test it. The Chancellor's Register gives the names of the principals of the five halls which Rowse assigns to Grammar, and three of these we know were grammar masters.¹ But if we ought to accept Rowse's list as accurate, our difficulties are fewer if we remember what was the position of Artists and Legists. All Legists were graduates, and probably they were on the whole of higher social position than Artists; for the eldest son of a knight or squire who came to Oxford would study law, for in those days every owner of land had to be his own lawyer. On the other hand the Artists were mainly undergraduates and would naturally have a lower scale of board and lodging than the Legists. In fact in Rowse's list we have halls of three ascending degrees: first come the Grammar halls which were occupied not by members of the University but by schoolboys, and no doubt they were packed closely, sleeping probably two in a bed, like the boys at Winchester, and with scanty food; next come the halls of

¹ *Mediaeval Archives of the University*, ii. 279, where for *Boster Hall* should be read *Cuthbert Hall*.

Artists where all undergraduates were lodged; finally come the halls of Legists occupied only by graduates, with a higher scale of comfort than was expected for undergraduates. If these points are remembered, it is not impossible that the halls of Artists contained on an average twenty members or more,¹ while the halls of Legists had only five or six.

Some of the conclusions which we have drawn from Arundel's note-book are only provisional, until further evidence is available; the conclusion, for instance, that there were sometimes four in a chamber, and that it was possible to make ten shillings cover the cost of board, lodging, teaching, and books for a term; also the conclusion that a man might go to another hall for his *lectura*, and that the halls of Artists were cheap and crowded. But about one point we feel certain, namely that the liberty of the medieval undergraduate was not what some writers have imagined. The language of Dean Rashdall is: 'The unfettered liberty, not to say licence, which the medieval freshman enjoyed is certainly one of the most astonishing facts about him. . . . On arrival at Oxford our student had full liberty (unless his parents had made provision for him, which would have been an impossibility for all but the rich) to choose the Master to whose lectures he would go, and the Hall to which he would attach himself.'² The note-book of John Arundel suggests nothing of this kind; the father decided where his son should go and selected the principal to whom he would entrust him; probably he generally selected a man

¹ Black Hall, Broadgates in All Saints, Postmaster's Hall, and St. Alban's Hall, all of which were among the large halls, were for Artists according to Rowse's list.

² *Universities of Europe*, ii. 605.

from his own district, just as Sir Daniel Fleming in the seventeenth century looked for a Fellow from Cumberland or Westmorland; and so far was the student from having unfettered liberty, that in many cases he had to come to his principal for every penny that he needed. If some of the young Flemings in the seventeenth century were treated in this way, it is not surprising to find that it was true of their predecessors in the fifteenth century, when undergraduates were even younger. Nor is there anything in this book to support what Dean Rashdall calls the democratic character of halls. He says, 'whatever doubt there may be as to the originally democratic character of the Parisian Hostels, there can be none as to that of the Oxford Halls';¹ and again, 'the Principal was freely elected by the students'.² But it is impossible to believe that John Arundel who doled out the pence to the boys that were under him, and (according to the subsequent *Statuta Aularia*) administered to them every Saturday whatever corporal punishment they deserved,³ was elected to his post by their votes. If there is any truth in the statement that principals were at one time elected by the members of the hall, there can be little doubt that it was not so in the fifteenth century.

H. E. SALTER.

¹ *Ibid.*, ii. 465.

² *Ibid.*, ii. 558.

³ *Ibid.*, ii. 779.

THE DISPOSSESSED RELIGIOUS AFTER THE SUPPRESSION OF THE MONASTERIES

HOW to provide for dispossessed religious was a problem which had exercised ejecting authorities for two centuries before the surrender of the last of the 'great and honourable monasteries' in 1540. Normally it was solved by the transference of the ejected to other houses of the same religion.¹ For many years before the great suppression few houses had their full complement, or, to use a contemporary expression, 'enough religious persons for their lands'.² In all were vacant 'cells'.³ But if cells were vacant the service of prayers and masses due from the house could not be paid, and predatory bishops and kings, once they had envisaged the suppression of a religious house, found in such neglect of its feudal obligations an irresistible weapon.⁴ Under whatsoever pretext the religious were got out provision had to be made for them, but there was no need for

¹ Transference of this kind, whether temporary or otherwise, was of course a recognized method of punishment for refractory religious.

² Dean of York to Wolsey on Haltemprice Priory in 1528. Letters and Papers of Henry VIII, iv (2), no. 3878. In this case, the numbers were reported to be sufficient.

³ Cf. the petition of the Carthusian Alnot Hales to go to Sheen, or if not to Witham 'where several cells are vacant'. L. & P. iv (3), no. 5191.

⁴ This was one of the reasons given by Bishop Fisher when the nunnery of Lillechurch was suppressed for the benefit of St. John's College, Cambridge, in 1524. The remote situation of the house caused it to be frequented by 'lascivious persons especially clergymen', while the number of nuns had decreased from sixteen to three. Dugdale, *Monasticon*, iv. 379.

a pension system ¹ so long as half-empty houses survived. In the summer of 1532 there travelled to Norfolk one Thomas Bradman, late canon of Holy Trinity, Aldgate ²: he brought with him royal letters ordering the Prior and Convent of Westacre to receive him as a member of their house, and they had no option but to obey.³ Royal letters of this kind became frequent as the result of the act suppressing the lesser monasteries.⁴ At Beaulieu, for instance, there appeared monks of the nearest Cistercian houses, to wit Quarr,⁵ Netley, and Waverley, who had elected under the act to continue in religion. Their presence did not conduce to the discipline of their new homes, nor were they made welcome in them,⁶ but in any case their latest refuges were not destined to retain them long. When, however, the time of final suppression came they shared with their new companions the benefit of the pension system.⁷

¹ Except for heads of houses, for whom, see below, p. 441.

² For the dissolution of this house in 1532, see *Transactions of Royal Historical Society*, 4th Series, vol. viii, pp. 127 ff.

³ Jessopp, *Visitations of the Diocese of Norwich* (Camden Society), p. 309.

⁴ 27 Hen. VIII, ch. 28: 'The chief Governor and convents of such honorable great monasteries shall take and accept into their houses such number of the persons of the said convents as shall be assigned and appointed by the king's highness.'

⁵ Two of the monks who appear in the pension list of Buckland in Devonshire had been originally at Quarr as the Winchester ordination lists show.

⁶ Witness the experiences of the monks of Sawley at Furness. The abbot turned one out of his rooms on the ground that they were wanted for 'lords', and the others fled. Cf. L. & P. xii (1), no. 841. Later on the monks of Furness were themselves given the choice of transference to still surviving houses, though they did not surrender till November 1537.

⁷ It is quite incorrect to state, as has been often done, that they did not receive pensions. The Waltham pension list (L. & P. xv, no. 393) contains the names of two canons of Dunmow and three of Little Leighs, all of whom got pensions of equal value with those of the original canons of Waltham.

A religious who was unwilling to continue in the Cloister had formally to be made 'capax beneficii' by virtue of a dispensation to hold benefices as a secular clerk. Already before 1536 great numbers of religious were thus in occupation of benefices. In 1533 Bishop Maxey estimated that one-third of the Premonstratensian houses would be ruined if they could not give their vicarages to their religious brethren.¹ The Austin canons were in similar case, while episcopal registers of the early sixteenth century show many like dispensations to monks.² Obviously these persons were not entitled to pensions. The suppression did not affect them at all; they had their benefices and were thus amply provided for,³ but as their names do not usually appear on the supremacy or surrender lists it is often difficult to identify them.⁴ The act of 1536 provided that convents dissolved under

¹ Bishop of Elphin and Abbot of Welbeck *in commendam*. L. & P. vi, no. 1142.

² The registers of Chichester contain several to monks of Lewes. At Glastonbury, John Tanner *al.* Selwood had in 1514 a papal indult to hold a benefice as a secular clerk and to wear the secular dress over his monk's habit. L. & P. i, p. 1531.

³ Thus Peter Tilney, Premonstratensian Canon of West Dereham, held the appropriated living of Stradsett from 1520 till his death in 1540. Henry Spragg, Canon of Blanchland, that of Bywell St. Andrew from 1535 to his death in 1564: Thomas Aglionby *al.* Nickson, Canon of Carlisle, the rectory of Bewcastle from 1534 to 1581: Ralph Lymney, monk of Whalley, the vicarage of Blackburn from 1536 to 1555, when he retired on pension.

⁴ The Pension Commissioners for Cambridgeshire in 1569 (P.R.O. Exchequer Special Commission 3234) reported that Robert Ashby, formerly religious man of Barnwell, was then Vicar of Cockayne Hatley, Bedfordshire. Ashby appears as Canon of Barnwell at the election of Prior Smyth in 1531, but not on the bishop's certificate of 1534 (Cole MS., xxvi, f. 154, from Bishop Goodrich's register). The explanation is that he had in the meantime taken the Barnwell living of Tadlow. That vicarage he held till 1565, and that of Cockayne Hatley from 1558 to his death in 1573.

it ' shall have their capacities, if they will, to live honestly and virtuously abroad and some convenient charity disposed to them towards their living '. Duly armed with their dispensations,¹ those who accepted this alternative to continuing in religion were now in a position to take benefices, and they were soon absorbed into the ranks of the parochial clergy.² In the spring of 1540 the French ambassador reported to Francis I that in all England was not a single monk who had not changed his habit for the robe of a secular priest.³ It was now obligatory for all ex-religious soever to possess dispensations, which since 1533 had been issued from Canterbury instead of from Rome; ⁴ and which were a legal necessity under feudal

¹ See below.

² It is not possible to trace them except partially. The Supremacy returns are not complete and usually only give names in religion. The S. P. Dom. Suppression papers supply some names and ministers' accounts others. P. R. O. Ministers accounts no. 7298 gives the names of all the Somerset and Devonshire religious who received 'rewards'. Episcopal visitations are sometimes useful. When the Augustinian priory of Michelham was suppressed the Commission only reported 'priests 8, novices 1, all desire capacities'. Bishop Sherborne's visitation of 1527 gives the names of 8 priests and 2 novices, most of whom can be subsequently traced in Sussex livings.

³ L. & P. xv, no. 485.

⁴ By act for exoneration from exactions paid to the see of Rome (25 Hen. VIII, ch. 21). On this act in general and the Court of Faculties in particular, see *E. H. R.* xxv. 670 ff. A religious now required a dispensation from the archbishop which was issued from the Court of Faculties. This was couched in the old form, but with the name of the Archbishop of Canterbury substituted for that of the Bishop of Rome. These cannot now be found in the Court of Faculties, whose early records Professor Jenkins tells me are lost. The act laid down further that all licences, the tax whereof at Rome exceeded £4, should be confirmed under the Great Seal and enrolled in Chancery. The cost of 'Capacities' at Rome was £6, as a table of fees levied in 1525 shows (*State Papers*, Henry VIII, 39, f. 19). No trace of the confirmation can now be found in the Chancery Records. They were not apparently enrolled (though

and canon law alike. There was no question of a breach of vows. 'All vows are now dispensed save chastity,' said the Prior of Mountgrace in 1540.¹ When first Convocation and then Parliament,² though in somewhat grudging language, accepted the principle of clerical marriage, a considerable number of the religious considered themselves thus released from their remaining vow. At Mary's accession not only were married religious treated with exceptional severity,³ but all dispensations soever granted since 1533 were treated as null and void.⁴ Episcopal visitations under Henry VIII and Edward VI and even under Elizabeth⁵ show, however, that these documents were regularly produced and in many cases their holders are particularly noted as 'ex-religious' in the Visitation lists.

With the suppression of the greater monasteries the normal method of disposing of ejected religious was no longer available, for there were now no houses to which

this was laid down by the act), nor were any royal warrants required, as the Chancery could issue them direct under the Statute of 28 Hen. VIII, ch. 21. There exists only a few originals in local or private collections, such as that granted to Abbot Pope of Hartland, printed from the Exeter diocesan records by Oliver, *Monasticon Exoniense*, p. 216. See also below, p. 464, for the case of Friar Mekins of Gloucester. In clearing up this question I have had the great advantage of the expert assistance of Mr. Galbraith of the Public Record Office.

¹ L. & P. xv, no. 125.

² 2 & 3 Ed. VI, ch. 21.

³ The bishops were ordered to prevent any religious man from continuing with his 'woman or wife', and a bill which does not appear to have reached the Statute Book was introduced into Parliament to deprive them of their pensions. Cf. Journ. of H. of L. and H. of C. i. 34.

⁴ Thus Abbot Ridge of Notley received from Cardinal Pole, 17/3/1556/7, a dispensation to remain without a regular establishment in secular dress and to retain his vicarage of Cholsey.

⁵ e. g. those of Bishop Wakeman of Gloucester. See also below, p. 454.

they could be transferred. In consequence it was necessary to extend the pension system to the religious rank and file. Abbots and priors could not, like common religious, be disposed of by transference to other houses.¹ Consequently a pension system had long been evolved for them. This might take the form of a small pension with board and lodging,² of a large pension but without board and lodging,³ or of appointment to a benefice in the gift of the house in lieu of or in part payment of a pension. The Cistercian rule in this matter was clearly stated by Abbot Bradley of Fountains. After asking Cromwell that his predecessor, Abbot Thirsk, should not have a pension of more than 40 marks, he goes on, 'The statute of our religion is that if an abbot has ruled ten years well, he is to have a competent pension, but this one has ruled naughtily'.⁴ The cheapest way of providing for deprived heads was to induce them to take a living of equivalent value to the pension, which was thus avoided. It was in this way, for example, that the

¹ Except, of course, as heads. Thus Cardinal Wolsey was able to avoid pensions for two heads of houses suppressed by him, by making the Abbot of Bayham Abbot of Lavenden, and the Prior of SS. Peter and Paul, Ipswich, Prior of Bicester. The only case under the act of 1536 was that of Prior Day of Caldwell, who is evidently identical with the last Prior of Leeds.

² That strange abbot, Robert Barrington *al* King, of Walden, whose domestic affairs occupied so much of Cromwell's correspondence, was granted £5 and board and lodging for self and servant. Abbot Duxford of Newminster in 1527 was granted £10 for life with use of the Castle Chamber.

³ Cf. Abbot Birkenshaw, penultimate Abbot of Chester, £100. L. & P. xiii (2), no. 284.

⁴ L. & P. x, no. 424. It is not very difficult to arrive at the conviction that one's predecessor was a failure, and deprived heads of houses often had the greatest difficulty in getting their pensions out of their successors.

monks of St. Albans and Pershore disposed of their penultimate abbots.¹

Hitherto there had been no regular pension system for the common religious. There are instances of the pensioning off of cantankerous colleagues, but such transactions were apparently regarded as abnormal and were liable to be revoked by the ordinary or other visiting authority.² The pension system necessitated by the total suppression of religious houses was modelled on that already existing for abbots, &c. An adequate pension or a 'promotion' of equivalent value was now the perquisite of every 'possessioner' religious, i. e. of all inmates of the greater houses and of all those of the smaller who had elected, under the 1536 act, to continue in religion.³ The fact that the head of a house had been attainted did not, as has often been asserted, mean that the monks of that house went pensionless.⁴ Neither were the inmates of

¹ Cf. L. & P. xiii (2), no. 385. Very shortly after his resignation Abbot Catton was presented to the St. Albans living of Campton, Bedfordshire, and this he held till his death in 1552. Similarly Abbot Compton of Pershore was presented by that abbey to the rectory of Cowley, Gloucestershire.

² At the Augustinian General Chapter of 1518 the Prior of Hexham was found to have dismissed a canon *in apostasia* with an annuity of 5 marks. The canon agreed to surrender this and to go to Thornton for a year and live regularly under pain of life imprisonment. Salter, *Chapters of the Augustinian Canons*, Oxf. Hist. Soc., vol. lxxiv, p. 148. Similarly Henry VIII's Commissioners revoked a licence granted by the Prior and Convent of Cartmel to live where he pleased with a pension of £5 13s. 4d. to one of their canons, *V. C. H. Lancashire*, ii. 146.

³ i. e. it did not include those who had taken capacities before or as the result of that act.

⁴ Though the pension warrants are not extant there is no doubt about this. The names of twenty-five monks of Glastonbury, thirteen of Reading, and four of Colchester are on the 1556 schedule known as Cardinal Pole's pension list (Augmentation Office, Misc. bks., vol. 31). The Berkshire receiver's accounts for Edward VI (Augmentation Office,

the 'cells' of greater houses 'turned out penniless'; they were withdrawn to the parent house and duly received their pensions when it fell in its turn.¹ The pensions were paid either by the Crown or by such great personages as were granted monastic lands outright. So heavy were the obligations on this head that there was often hesitation on their part to take the lands at all. 'I must', said the Duke of Suffolk, speaking of Butley Priory, 'pay £430 for a term of lives out of an income of £400.'² The Duke of Norfolk asserted that at Thetford he must pay the prior £40 to £30 and £100 at least to the fourteen monks.³ Lord Audeley complained that the commendatory of Walden must have £200, and eight monks, priests, £8 at least.⁴ The only way of avoiding these pensions was for those responsible for them to appoint their holders to benefices in their gift of the same value as the pension. The Wiltshire chantry certificates⁵ say of Giles Crockford, incumbent of one of the Hungerford chantries in Salisbury Cathedral, 'The said incumbent is a very honest man and was sometime a Canon of Titchfield in the County of Southampton, who had for his pension twenty marks for the redemption

Miscellanea, bundles 26-31: see below) give the receipts for their pensions of a large number of Reading monks.

¹ The indefatigable inaccuracy of sentimentalist writers is well illustrated in the account of Blythburgh in *Vict. County Hist. of Suffolk*, where Dr. J. C. Cox asserts that the canons of this house were 'turned out penniless'. In point of fact, of the prior and three canons, the first got a pension, while two of the three canons retired to the mother house of St. Osyth, on whose pension list they are duly found.

² L. & P. xiii (1), no. 642.

³ L. & P. xiv (2), no. 815.

⁴ L. & P. xiv (2), no. 36. Bishop More was Bishop of Colchester, Suffragan of London, and Abbot of Walden *in commendam*.

⁵ Augmentation Office chantry certificates, no. 37.

whereof the Earl of Southampton advanced him to one of these three priests (salary £16 6s. 8d.) and also to a free chapel of Idmiston to the yearly value of 40 shillings.' ¹ Similarly the majority of the monks of Thetford and Castleacre are found in occupation of benefices in the gift of the grantee, the Duke of Norfolk. The record of these transactions can only be found in private papers, for the Crown receivers had no responsibility for them.²

The great majority of pensions were, however, paid on behalf of the Crown through the Augmentation Office, whose local receivers made payment half-yearly either to the pensioners in person or to their duly accredited agents, a certificate from a magistrate or other responsible person being required when they shifted from one place to

¹ The document goes on, 'as for his ability to serve a cure he hath not been used unto it, his bringing up has been always in religion.' Nevertheless he accepted in the same year the rectory of Fisherton Anger, which he appears to have held till 1575.

² When John Morris, receiver for Sussex and Surrey, sent in his accounts for 1536-7, he says he does not account for any of the possessions of Waverley and Easebourne because the king had granted them to Sir William Fitzwilliam. The following list of those responsible for pensions is probably not exhaustive :

Duke of Norfolk : Thetford and Castleacre priories (Cluniac) and Sibton Abbey (Cistercian).

Duke of Suffolk : Revesby (Cistercian) and Butley (Austin Canons).

Sir Thomas Seymour : Romsey (Benedictine nuns) and Coggeshall (Cistercian).

Sir Thomas Audley : Walden (Benedictine).

Sir Thomas Wriothesley (Earl of Southampton) : Titchfield (Premonstratensian) (see above, Waverley and Easebourne, but as they went under the act of 1536, only their heads would be pensioned).

Sir Thomas Cromwell : Lewes (Cluniac).

After the attainders of Cromwell and Seymour the Crown took over their pension list, and we find a nun of Romsey with a pension of 40s. paid by the Crown in 1554. P. R. O. Exchequer 101, 76/26.

another.¹ Subsidies granted by the clergy to the Crown involved a deduction from the pensions,² and the financial stress of successive administrations sometimes caused delay in the payments,³ but otherwise the interests of the pensioners appear to have been secure enough. The Crown protected their interests as well as its own, and more than one commission of inquiry was set up.⁴ The scale of pensions need not detain us. Most of the criticisms levied against it seem to be based on the truly ingenuous supposition that the purchasing power of money has not altered since the sixteenth century. In point of fact, these pensions were, in respect of heads of houses, larger and more secure than before,⁵ while for the ordinary religious they at least equalled the retiring pensions of parochial clergymen.⁶

¹ See below, p. 458. In *Archbishop Parker's Register* (Canterbury and York Society, p. 384) there is a letter of this kind from the Archbishop's Chancellor, the see of Oxford being vacant, to Edmund Burford *al* Sharpe, then dwelling at Alvescot, diocese of Oxford, aged 60 years, pension £4. Sharpe was an ex-canon of Lantony, who held the livings of Lambourne, Berks., from 1556 to 1558 and of Alvescot, Oxon., from 1558 to 1570.

² The clerical subsidy returns give the names. Cf. the certificate of the Dean and Chapter of Gloucester of the names of those who contributed to the third payment of the subsidy of 2s. in the £1 to King Philip and Queen Mary. This includes the names of 28 ex-religious and 33 chantry incumbents: P. R. O. Clerical Subsidies, 28/2.

³ The lay annuitants suffered equally in these cases.

⁴ Especially those of 1552, 1554, 1569, and 1575. For their reports, see below, p. 456. The act of 2 & 3 Ed. VI, ch. 6, 'against crafty and deceitful buying of pensions', was intended to protect pensioners against financial sharks. The report of the 1552 Commissioners for Notts (Exch. 101, 76/19) shows that a canon of Welbeck sold a pension of £6 to the Vicar of Market Rasen for £10, who resold it to a third party for £13 6s. 8d.

⁵ See above, p. 437.

⁶ When Richard Roberts retired from the vicarage of Preston next Faversham in 1535 his pension of £5 was the same as that which Thomas Deve, monk of Faversham, received on the surrender of that house.

The pension was in fact 'ample for the maintenance of single persons who chose to live without occupation'.¹ The majority of the ex-religious did not, however, intend to pass the rest of their lives in idleness. It is usually assumed that a pensioner's acceptance of a benefice voided the pension.² This was really only the case when the presentation was made by the authority, whether Crown or individual, who was responsible for the pension: the ex-religious concerned was free to get as many 'promotions' elsewhere as the law allowed. Although clergymen of accumulative disposition had since the passing of the Pluralities Act of 1529³ fewer opportunities of amassing benefices than their medieval predecessors, that act left a large number of loopholes and, so long at any rate as the chantries and collegiate churches were in existence, allowed considerable scope for financial gratification.

It was, indeed, quite possible for an ex-religious to be in simultaneous possession of two benefices and of one, two, or even three pensions.⁴ The career of Aristotle

Deve was in fact better off, for he was able to add to his pension the vicarage of Selling, which he held from 1545 to his death in 1558. Cf. *Archeologia Cantiana*, xxxi. 141.

¹ James Davidson, *Hist. of Newenham*, p. 104.

² Sir John Maclean (*Deanery of Trigg*, i. 138) says that John Dagle, former Canon of Bodmin, gave up his pension of £5 6s. 8d. from that house on his appointment to the vicarage of Bodmin in 1550. But he is still on the 1556 pension list.

³ 21 Hen. VIII, ch. 13.

⁴ It is difficult to understand the procedure adopted for the resignation of pensions. When Abbot Munslow of Winchcombe was made Prebendary of Gloucester in 1546 his original pension of £140 was reduced by £20, the annual value of the prebend (*L. & P.* xxi (1), p. 777). On the other hand Abbot Dunn of Buckfast, notwithstanding considerable preferment, still had his original pension in 1556. So had Abbot Austin of Rewley, though he held the valuable Crown living of Withcote from 1542 to his death in 1571. The act of 1529 allowed, however, considerable latitude to royal chaplains.

Webb, ex-monk of Glastonbury, shows what possibilities there were in the way of 'promotions'.¹

Shortly before the suppression of Bodmin Priory Prior Munday assembled his brethren in chapter and said, 'I think it good to give unto such as have been good to the house some lease or other preferments to the intent they should be the better for us thereafter.' The subsequent history of the Bodmin lands shows how the ex-canon in general and the Munday family in particular benefited by this candid piece of advice.² A study of the history of 'concealed lands' would furnish many incidents of this kind. The fact is that despite the stringent provisions of the Suppression Act of 1539 a large amount of property of all kinds passed into or remained in the possession of the ex-religious. The Abbot of Alnwick, indeed, could found a county family on lands of his former house.³ The Abbot of Dieulacres caused blank forms to be prepared, sealed with the convent seal, on which (when the Commissioners were out of the way) leases were subsequently made out, much to the benefit

¹ Webb had a pension from Glastonbury of £4. He held the rectory of Ewhurst, Hants, from 1547, and that of Warbleton, Sussex, from 1548. Of both of them he was deprived for marriage in 1554. In 1559 he became Rector of Barcombe, Sussex, in 1560 of Swindon, Wilts., and in 1562 of Draycot Foliot, Wilts. He thus contravened the act of 1529 and he was therefore 'removed' from Barcombe in 1564 and deprived of Draycot Foliot in 1566, but he kept Swindon till his death in 1575. His career shows how dangerous it is to seek the cause of most of the Elizabethan deprivations in religion. Most of the deprivations given in Gee's *Elizabethan Clergy* were caused by breaches of the Pluralities Acts.

² *Journal of Royal Institution of Cornwall*, 1874, pp. 342 ff. Sir John Maclean shows further that the manor of Rialton, hitherto kept in the hands of the convent, was leased for ninety-nine years to John Munday, the prior's brother.

³ See *Hist. of Northumberland*, ii. 436, for a genealogy of his descendants.

of his own family.¹ The monks of Newenham by means of a disused seal (the real one having been removed by the Commissioners) could grant leases long after the dissolution.² In the case of movables it is difficult to distinguish between property obtained by these methods and that acquired by purchase or as part of pension ;³ but it was comparatively easy for the abbots and priors to convey plate, books, &c., to the country houses which usually formed part of their pensions. Prior Hart of Lantony had the whole library of that priory in his manor house at Brockworth.⁴ There was yet another form of property which it was even easier to manipulate, that is to say, advowsons of benefices, whether appropriated or no. The richer livings in the gift of monastic houses had hitherto been a perquisite of deprived abbots or of ecclesiastical lawyers as a species of 'retainer', or the next presentations were sold to private persons to provide for younger sons. They now served a new purpose. When an appointment to a benefice formerly in the gift of a monastery is made, whether by a private person or by trustees, 'by reason of a grant of the late abbot and convent of X', it will be found over and over again that the new incumbent was once a religious of X. How the

¹ Cf. F. Hibbert, *Dissolution in Staffordshire*, p. 173, and Sleight's *Hist. of Leek*, pp. 64 ff.

² Full details of this amazing story, which did not come to light till 1582, will be found in James Davidson's *Hist. of Newenham*, pp. 105 ff.

³ Thus the Abbot of Roche was given one-fourth of the abbey plate, cattle, household stuff, &c. L. & P. xiii (2), Appendix 25.

⁴ Prior Hart left most of his property to his brother-in-law, Thomas Thayer of Brockworth (a Lantony manor), whose grandson, John Thayer, endeavoured to sell the manuscripts to the Bodleian Library. Cf. Wood, *Ath. Ox.* iii. 997, ed. Bliss. See also Hunter, *S. Yorkshire*, ii. 274, for how the library of Monk Bretton priory was distributed among the ex-monks.

system worked may be illustrated by the case of Stalbridge, the most valuable rectory in the gift of Sherborne Abbey. Less than a year after the suppression of that house, Abbot Barstable was presented to the rectory in question by Sir Giles Strangeways and John (afterwards Sir John) Horsey 'by virtue of a grant made to them by the abbot and convent of Sherborne'.¹ Here is Prior Munday's recipe² put into practice, for Abbot Barstable owed his promotion to the abbacy to John Horsey,³ and that gentleman was duly remembered in the abbot's will.⁴ Sir William Parr was in close relation with Pipewell Abbey. At first he asked that it might stand, and then that he might have the lands. Six months after the surrender he presented Abbot Gillam to the vicarage of Ashby 'by virtue of a grant made to him by the abbot and convent of Pipewell'.⁵ That the royal visitors themselves were sometimes used for this purpose is evident from the fact that Dr. Thomas Legh presented an ex-canon of Westacre to the vicarage of South Lynn, which the prior and convent had granted him on the occasion of his visitation.⁶ Transference of advowsons to trustees or to relations was another method. For example, the abbot and convent of St. Albans granted their vicarage of Caldicote to three townsmen of St. Albans, who in

¹ Hutchins, *History of Dorset*, ii. 248.

² See above, p. 447..

³ Cf. his letter to Cromwell, 915/1535: 'Thanks for offering my friend Dom John Barstable to be Abbot of Sherborne.' L. & P. viii, no. 693.

⁴ The will dated 20/11/1560, proved 27/1/1560/1, is printed in *Miscellanea Genealogica et Heraldica*, 2nd Series, vol. ii, p. 48. It is to be noted that the abbot's pension of £100 was not modified as the result of this transaction. The 1556 pension list shows that it was still paid in full, though the abbot retained the living till his death.

⁵ Bridges, *History of Northants*, ii. 274.

⁶ Blomfield, *History of Norfolk*, viii. 547.

1540 duly presented an ex-monk of that house.¹ Richard Giles, ex-Prior of Bermondsey, was in 1543 presented to the vicarage of St. Mary Magdalen, Bermondsey, 'by grant of abbot and convent to John Giles'.² The vicarage of Great Clacton, Essex, formerly appropriated to St. Osyth,³ was held between 1541 and 1559 by three ex-canons of that house in succession, and this was the case, too, at Bywell St. Andrews, which was held in succession by three canons of Blanchland. The fact that St. Mary's, York, had a cell in East Anglia accounts for the ex-prior and two monks following each other in the vicarage of Wilby, Norfolk.⁴

The material for tracing the careers of the ex-religious subsequent to the suppression is very extensive. So far as heads of houses are concerned the task is a comparatively easy one. It was quite unnecessary for these men to do more than pass their time in the country house which was as a rule assigned to them as part of their pension. It is only necessary to study their wills to see in what comfort they lived with chaplains, a large staff of liveried servants, ample plate and furniture,⁵ and, in

¹ Clutterbuck, *History of Herts*, iii. 499. This was William Ashwell, formerly almoner of the abbey. Evidently the most incautious 'words' did not disqualify from pensions and promotions. Cf. for Ashwell's rashness in 1536, *Vict. County Hist. Herts*, iv. 411.

² Manning, *Hist. of Surrey*, i. 214. Giles appears to have been deprived for marriage in 1554, but held another Bermondsey living (Camberwell), also by assignment, from 1556 to 1571.

³ Newcourt, *Repertorium*, ii. 153. The rectory of Pentlow, Essex (in private patronage), was held successively between 1541 and 1571 by the abbot and two ex-canons of St. Osyth.

⁴ Blomfield, *Norfolk*, i. 366. Prior Kelsey was appointed 1540 by reason of a grant of the abbot and convent to John Fodbury and others.

⁵ e.g. will of Abbot Blake of Cirencester, dated at Fairford 2/1/1552/3. To chaplain, £6 and gown. To Thomas Liggen, gent., 40s. and his

many cases, wives and children.¹ Others, however, were more ambitious. A dozen or so became at once, or subsequently, diocesan bishops, others either were already or became bishops suffragan, and an adequate stipend was provided for them by means of 'promotions'.² In the case of the old cathedrals hitherto served by regulars, now refounded on a secular basis, the Priors of Carlisle, Durham, Ely, Norwich, Rochester, and Winchester³ were reappointed as deans. In respect of the new cathedrals this was the case also with the Abbots of St. Werburgh's, Chester, and Westminster,⁴ and with the Abbots of Burton and Thornton in respect of those short-lived colleges. Many prebends in cathedrals went to ex-abbots and priors, who with regard to 'promotions' had, particularly if they were royal chaplains, an advantage over other clergy,⁵ and those who went to Oxford or Cambridge to study were

livery. Legacies to eight other men and to five women servants. 3s. 4d. to Fairford poor box. Transcript in Hockaday papers in Gloucester Public Library.

¹ Abbot of Alnwick, property to widow (*Hist. of Northumberland*, ii. 441). Abbot of Hagnaby to be buried in Oxburgh Church, Norfolk, by side of Joan, his late wife (Blomfield, vi. 192). Abbot of Missenden, wife, Margaret, executrix, bequests to son Samuel and daughter Lettice (Cole MSS. xxxii. 75).

² Bishop Morley, late Abbot of Stanley and suffragan of Salisbury, had as Bishop of Marlborough the rich livings of Fittleton and Bradford-on-Avon.

³ The exceptions were Canterbury, where Prior Goldwell failed to get the deanery, notwithstanding his efforts to do so, and Worcester, where the Prior became Bishop Suffragan, and his place was taken by the ex-Abbot of Evesham.

⁴ At Gloucester the abbot was just dead, and at Peterborough the abbot became bishop.

⁵ e.g. the Abbot of Sibton, who was given capacity to take two benefices with cure and to be non-resident (L. & P. x, no. 1247). Many abbots were already holding livings *in commendam* with their abbeys, as the Abbot of Torr, who was Vicar of Tunstall 1531-55.

usually also absentee rectors.¹ Some went back to the districts of which they were natives,² while others went on as farmers of the lands of their former houses.³

A considerable number of religious found posts in the cathedrals both of the new and of the old foundation, whose chapters were reconstituted on a secular basis. The arrangements varied according to circumstances, but the general rule was to divide the prebends between senior monks and ecclesiastical lawyers, while a large number of the other religious became minor canons or scholars. At Canterbury, Norwich, and Ely half the ex-monks were thus accounted for. In others, such as Rochester,⁴ few, and at Bristol none at all. In many cases the new prebendaries simply took over the houses of the old obedientiaries.⁵ Most of them held livings along with their prebends.⁶ Moreover, it was easy for them to look after the interests of their former colleagues, and thus a large number of ex-religious are to be found

¹ e.g. the Abbot of Hayles, who had the Crown living of Avening, Gloucestershire, from 1541 to 1543 and afterwards a Prebend of York Minster and the Rectory of Adel, Yorkshire. Cf. Boase, *Exeter College*, p. 62, for the residence of the Master and more than one canon of Ashridge.

² For instance, Thomas Munday *al.* Wandsworth returned from Bodmin to London (he had been Canon of Merton) and took a living there.

³ As John Sturgeon, Prior of Frithelstock, who continued to farm the benefice. The Monkleigh parish register gives his burial there 3/11/1560.

⁴ Four monks of St. Augustine's, Canterbury, became minor canons of Rochester, and the Prior of St. Gregory's, Canterbury, one of the prebendaries.

⁵ See the Worcester arrangements in *Archaeological Journal*, xx. 254. The prior's house was taken over by the dean, the sacrist's by the first prebendary, and so forth.

⁶ Bishop Thornden of Dover, monk and later Prebendary of Canterbury, had the cynicism to get himself appointed to the chapter living of Adisham after bringing about the incineration of his predecessor, John Bland.

in chapter livings.¹ Ex-abbots, too, were often in a position to promote their former subordinates, as Bishop Wakeman provided for the monks of Tewkesbury,² and Bishop Capon for those of Hyde,³ while Abbot Munslow as Prebendary of Gloucester could do something for those of Winchcombe.⁴

Details of the careers of the main body of the former religious can be ascertained from many and varied sources. Parish registers, when they record the death of a clergyman who had once been a religious, usually state the fact. The register of Crewkerne, Somerset, for example, has, under date 1/7/1573, this entry: 'Buried. John Way, parson of Seaborough and parson of Eastham, sometime monk of Glastonbury.' The ordination lists in episcopal registers often enable us to complete lists of names where, as at Rochester, the surrender list is not extant. There are instances in these of ex-monks being ordained on the title of their pensions.⁵ Institution lists are useful.⁶ Episcopal visitations tell us much, not only the earlier

¹ A good example is that of John Lathbury, ex-monk of Westminster, who obtained the chapter livings of Waltham St. Lawrence and Todenham (of both of which he was deprived for marriage in 1554), and of Sudborough, Northants, which with Todenham, to which he was restored in 1559, he held till his death in 1568. Most of the pensioned monks of St. Peter, Gloucester, are found in chapter livings.

² e. g. he appointed his nephew and chaplain, Henry Wakeman, formerly monk of Tewkesbury to the vicarage of Preston by Ledbury, of which he was deprived for marriage in 1554.

³ John Bodman, formerly monk of Hyde, had a Prebend of Salisbury and two livings in Wiltshire.

⁴ Walter Cooper, formerly monk of Winchcombe, was appointed to the chapter living of Matson in 1556.

⁵ Thus Bishop Bell's register, fo. 192, shows that Andrew Dudley was ordained priest on the title of his pension from Pershore.

⁶ The Winchester lists allow us to identify Richard Lipscombe, Rector of Eversley 1553-5, as the last Prior of Newark, Surrey.

ones such as Bishop Wakeman's, but even those quite late in Elizabeth's reign. In Bishop Cooper's *Liber Cleri* of 1576 it is recorded of John Jackson, Vicar of Billingborough, Lincolnshire, that he was 'aged 81, ordained priest 1520', and thus he may be identified as the ex-canon of Sempringham of that name, particularly as Billingborough was a benefice formerly appropriated to that house.¹ The *acta* of the diocesan disciplinary courts often furnish useful information. John Rastle, formerly Canon of St. Augustine's, Bristol, and claimant to a chantry in Winterbourne Church, was in 1540 arraigned before the Consistory Court of Worcester on various charges, amongst others that he 'was a public player of dice and other unlawful games'.² Rastle carried his claim to the chantry to the Court of Chancery, before which appeared as witness another ex-canon in the person of Nicholas Corbet, then priest of St. Philip's, Bristol.³ He testified that when they were canons dwelling in the monastery of St. Augustine, now dissolved, he knew John Rastle to be a great dicer and carder and had heard that 'he had got at dice and cards of divers men in his chamber at the late monastery £10, £5, and 5 marks, especially the year before the dissolution of the monastery'. The Gloucester act books record under the date 1563 that Richard Bagge,⁴ described as an ex-friar and now married 'which woman is ungodly, proud, envious

¹ Cf. *Lincoln Episcopal Records* (Canterbury and York Society), p. 209.

² Transcripts of these *acta* and of the ensuing Early Chancery Proceedings in the Hockaday Papers in Gloucester Public Library, file Winterbourne.

³ In 1542 he was instituted Vicar of Pawlett, Somerset, 'by virtue of a grant by the late Abbot and Convent of St. Augustine's, Bristol, to John Compton and others (Weaver, *Somerset Incumbents*).

⁴ Vicar 1561-6. The *acta* do not state to what order he belonged.

and a common scold with other like', was accused *inter alia* of receiving into his house 'the Latin books which were the parishioners, as a mass-book, 2 grayls and a processioner'. Peter Kilburn, Rector of Hepworth, Suffolk (1559-78), and formerly monk of Bury, got into similar trouble in the Norwich diocese in 1573. This clergyman had had the temerity to 'use a pair of beads' in Norwich Cathedral and had hidden in his vestry all manner of forbidden books and images.¹ From municipal records we may instance those of Plymouth which have several references to John Howe, last Prior of Plympton, the most interesting of which concerns his gift to the mayor and aldermen, 30/9/1563, of several sets of vestments for sale for the use of the poor.² Among private papers may be singled out the curious note-book of Thomas Butler, Vicar of Much Wenlock from 1524 to 1562, with its record of the doings of the ex-monks of that Cluniac house, now settled in the neighbourhood as country clergymen, while all the time the writer goes on with his duties, accepting the ritual changes as they came, saying *Placebo* and *Dirige* for the soul of Edward VI, and singing *Te Deum*, *Paternoster*, and *Ave Maria* on the news of the accession of Elizabeth.³

There is no space here for more than a mention of wills, which obviously may give important details of all kinds, and in which may be observed the pious expressions

¹ See *Suffolk Archaeological Society's Transactions*, iv. 397 ff.

² *Historical MSS. Comm. Report*, ix. 276.

³ The original manuscript of this invaluable record seems to have perished in the fire of Wynnstay in 1859. Copious extracts had, however, been made from it, and these are printed in *Shropshire Archaeological Society's Transactions*, vol. vi (1883); cf. also an important article by Prebendary Clark Maxwell on it in the same *Transactions*, vol. xlii (1923-4), pp. 169 ff.

of the old learning gradually giving way to those of the new.¹

Let us now turn to strictly official documents. The chantry certificates give the extent of the financial resources of the incumbents concerned and state if these include a monastic pension.² All manner of disputes naturally arose out of the vast transfer of property which the suppression entailed. The courts of Star Chamber and of Chancery were both kept busy. As to the former, we may instance a suit in 1549 about a disputed lease by Malmesbury Abbey of the manor of Purton. The witnesses included many ex-monks who not only tell of their then avocations, but the length of their tenure as monks and the age at which their professions were made.³ The records of the Augmentation Office and of the Exchequer teem with information about the former religious. The chief commissions of inquiry on the subject of pensions have been mentioned above.⁴ That of 1552 was directed to inquire of the oaths of honest men, and in different parts of the country how many abbots, monks, &c., mentioned in the book sent herewith are dead, when they died, how many are unpaid, and how many assigned or

¹ For wills of nuns, see below, p. 461.

² It seems likely that the chantry incumbents sometimes concealed the extent of their income. Thus the Hampshire Chantry Certificates (no. 52) say that John Tymmes has a chantry at Alresford and 'no other living'. But the 1552 pensions commissioner for Hants (P.R.O., Exchequer, 101, 76/15) show that he is identical with the ex-Canon of Southwick of that name, from which house he had a pension.

³ Cf. *Wilts. Archaeological Magazine*, xxxiii. 221 ff. Richard Vaughan *al.* Ashton, then curate of Churcham, Gloucestershire, age 53, says that at the time of signing the lease he was 18 or 19 years of age, and had been professed some three years. He appears in a 1576 visitation as curate (in charge) of Dursley.

⁴ pp. 438, 445..

sold their pensions'. The Gloucestershire Commission¹ reports that David Mathew *al.* Kempe, Canon of Lantony, was the Vicar of Croydon, Surrey, and this clue enables us not only to identify the canon in question but to follow his career to his death.² In 1554 diocesan authorities were ordered to furnish similar information. The returns for the diocese of Lincoln, for instance, show us that Robert Greg, Vicar of Little Missenden, Bucks., was an ex-canon of Gisburn, that he had a pension from that house of £5 6s. 8d., and another from a chantry in York Minster of £6, besides the emoluments of his vicarage, which amounted to £13.³ There were at least two general inquiries in Elizabeth's reign, in 1569 and 1575, in which the Commissioners were directed *inter alia* to search the parish registers for information as to the deaths of pensioners.⁴

The numerous inquisitions and the depositions in the

¹ P.R.O., Exchequer, 101, 76/14. The returns for about half the English counties are extant.

² He was the last Prior of Old Lantony, Vicar of Bekesbourne, Kent, 1541-50, Vicar of Croydon, 1550-3 (probably deprived for marriage), Vicar of Headcorn, Kent, 1554, deprived September 1558, Vicar of Rickmansworth and Archdeacon of St. Albans, 1562-82.

³ P.R.O. Exchequer, 101, 76/26. The commission to the Dean and Chapter of Lincoln is dated 16/4/1554. I owe my knowledge of this important document to Sister Elspeth's admirable articles on the religious houses of Bucks. in *V. C. H.*, vol. (3). There was a similar return at Norwich in Blomfield's time (cf. vi. 68), but it is not mentioned in the Hist. MSS. Commission's account of the ecclesiastical records there. These returns give statistics of the numbers of married religious.

⁴ The churchwardens' accounts of Frome, Somerset, for the year 1569 contain the following item: 'Paid at Evill [Yeovil] for putting in the bill of presentment they had made before the commissioner for the enquiry of the deaths of religious persons and chantry priests 4d.' (*Somerset and Dorset Notes and Queries*, i. 266). The returns for about half the dioceses are extant. Those of Kent are missing, but are entered, so far as the diocese of Rochester is concerned, in the Register of Bishop Gheast, fo. 112 b.

Augmentation records may throw great light on individual houses and their inmates. In this connexion we may mention a Leicestershire inquisition of 1558 with its curious evidence of the poaching activities of the canons of Ulverscroft in the Forest of Charnwood: how seven out of ten of the canons were 'common hunters', how the prior kept a pack of hounds, and how Lord Dorset had to make a special appeal to the religious to content themselves with the fallow deer and not to touch the red deer he had recently introduced.¹ The result of an inquiry of 1541 into alleged fraudulent disposal of goods by the Prior and canons of Durford not only shows the methods employed by the religious in the sale of stock, vestments, &c., but gives the names and whereabouts of the ex-canons and indicates pretty clearly that the original commissioners of 1536 were open to bribery.² An almost unworked field of research exists in the Augmentation Office records on these affairs.³

Receivers' accounts are naturally very numerous, but they do not as a rule contain many features of interest.⁴ An exception may be made in favour of those of George Wright, receiver for Beds., Berks., Bucks., and Oxon. in the reign of Edward VI. His accounts include not only the pension receipts of the religious of his district with their signatures appended, but a wide correspondence.

¹ Nicholls, *Hist. of Leicestershire*, iii. 1091.

² *Sussex Archaeological Society's Transactions*, vii. 224 ff. John Wake-
lin, one of the ex-canons, is described as Minor Canon of St. Paul's
Cathedral. His will as such was proved in the Prerogative Court of
Canterbury, 1581.

³ Thus in Augmentation Misc. Books, vol. 113, fo. 163, we find
a Tintern lease granted to obtain the favour of the Earl of Worcester
(the granter of the Tintern lands). *Ibid.*, fo. 137, shows the Byland monks
putting pressure on the abbot to get leases granted to their relations.

⁴ Augmentation Miscellanea, Bundles 26-31.

Thus Oliver Leder, one of the king's clerks of the Chancery, writes from London 16 June 1548 that he dined with Robert Burre¹ on 25 May last, so that he must be alive. Sir Robert Oxenbridge and three others testify on 16 April 1548 that Isabel Shefford, ex-canoness of Chicksand, was then living at Northiam, Sussex, and that she daily prays for the long life and prosperous health of the king's most excellent majesty. A little later comes a letter from the canoness herself to the receiver in which she states that she had left Northiam for Long Melford in Suffolk, and that she had authorized William Cordell of Lincoln's Inn to collect her pension for her; and finally a letter from Cordell acknowledging the receipt of the pension on her behalf.² These accounts also enable us to identify many former religious in distant parishes. Richard Baldock, formerly Cistercian monk of Warden, calls himself Vicar of Feltham, Middlesex, and so must be identical with the Richard Permuttery who, as the London registers show, held that vicarage from 1547 till his deprivation for marriage in 1554;³ while two monks of Bittlesden are seen holding livings in Gloucestershire and Wiltshire respectively: John Keling, as Vicar of Ebrington, and John Robinson, as Rector of Dauntsey, a benefice which he seems to have held till 1601.⁴

We now turn to another class of 'possessioner' religious, namely the nuns and canonesses. Religious

¹ Last Prior of Bushmead.

² Sir William Cordell (later Master of the Rolls) had bought the Manor of Long Melford in 1545, *Dictionary of National Biography*.

³ Cf. Newcourt, *Repertorium*, s. v. Feltham. The pensioners still sign by their names in religion if they are so entered on the schedule.

⁴ Ebrington, which was a Bittlesden living, was held by Keling from 1547 to his death in 1557. Robinson had been Rector of Dauntsey since 1547. His will was proved in the Prerogative Court of Canterbury in 1601.

women had the same choice under the act of 1536 of transference to another house or of dispensation.¹ On no class of religious did the suppression fall more cruelly, and it is only exceptionally that they did not vote for continuance in religion. It seems certain, however, that a formal dispensation from the vows of poverty and obedience was obligatory for all of them when the final suppression came. When Jane Wadham, ex-sextoness of Romsey, was seeking to justify her marriage to the steward of the abbey, she asserted that the ceremony was performed *in facie ecclesie* 'as soon as she was released from her vows'.² But she had overlooked the clause in the act, of the Six Articles,³ 'that any marriage contracted by any man or woman which has vowed chastity shall be of none effect'. Bishop Hooper, writing early in 1546, complained that 'England has at this time at least 10,000 nuns, not one of whom is allowed to marry'.⁴ However, the female religious seem to have taken the Edwardian legislation on clerical marriage to apply to them. At any rate the 1554 Lincoln returns⁵ show that the Abbess of Legbourne, the Prioresses of Ankerwyke and Gokewell, and a fair proportion of nuns and canonesses had found husbands. The figures vary very much. Whereas nearly

¹ When Cannington was suppressed in June 1536 there were a prioress, four professed nuns, and a novice (P.R.O. Minsters' Accounts, 7298). The prioress had a pension, two of the nuns went to Polslo, and two to Shaftesbury, and duly appear on the pension lists of those houses.

² L. & P. xvi, no. 947. Romsey was suppressed in December 1538.

³ 31 Hen. VIII, ch. 14. Her enemies took advantage of this clause and Bishops Tunstall and Hilsey were deputed to investigate the affair.

⁴ *Original letters, Parker Society*, i. 33. This is a characteristic exaggeration of this fantastic clergyman. It may be reckoned that there were about 1,300 nuns and less than 400 canonesses at the time of the Suppression.

⁵ See above, p. 457. The pension in these cases was usually drawn by the husband.

all the Gilbertine canonesses of Sixhill were married, only one nun of the Cistercian Stixwold had done so. This course of action was probably an offence to public opinion.¹ Yet in 1569 Abbess Kingsmill of Wherwell felt no scruple in letting a former colleague, 'Elizabeth Hacker, now wife of Edmund Bath', benefit under her will.² The pensions of abbesses and prioresses were handsome, and those of the ordinary nuns, small though they seem nowadays, were probably sufficient to maintain them in their family circle or as paying guests. Margaret Vernon, Abbess of Malling, wrote to Cromwell that her intention was to 'buy for herself a living with such friends as would take her'.³ Abbess Bulkeley of Godstow leased her brother's rectory of Cheadle and seems to have lived in the parsonage.⁴ Prioress Lawson of Neasham set up as an agricultural expert, to judge from the large amount of cattle and sheep she left in her will.⁵ That the former nuns wore ordinary secular dress appears from the will of Abbess Russell of Tarrant. At least a 'best gown of silk chamlet, a kirtle of satin, a scarlet petticoat, and a velvet bonnet' have not anything distinctively religious about them.⁶

¹ See the ribald rhymes against married religious in *Surtees Society*, vol. vi, p. xxxii. ² Printed in *Hants Notes and Queries*, vi. 91.

³ L. & P. xiii (2), no. 716. Among the debts of Edburga Stratford, formerly nun of Nunnaminster in Winchester (died 1552) occurs this item 'For her board from September 30 to March 21 at one shilling and two pence a week, twenty-five shillings and four pence.' Transcript of her will in Baigent papers in Winchester Cathedral library.

⁴ Earwaker, *E. Cheshire*, i. 204. She rebuilt the chancel of Cheadle Church. The pious expressions in her will are those of the New and not of the Old learning. On the other hand the inscription on her tomb begins in the old form, 'Orate pro anima', &c.

⁵ Cf. *Surtees Society*, i. 156; cf. also *Vict. County Hist. Durham*, ii. 108.

⁶ Printed in *Somerset and Dorset Notes and Queries*, v. 268. This will

It still remains to consider the case of the friars or non-pessioner religious. Their possessions were too small to furnish pensions except, apparently, for the heads of houses. All that could be done for them was to grant dispensation and free capacities (i. e. with the heavy fees remitted) to enable them to obtain employment as secular clergymen.¹ The dislike with which they had always been regarded by the official and parochial clergy pursued them after the suppression. Bishop Ingworth of Dover, himself a former Dominican prior, after protesting that the Archbishop of York would not let the ex-friars say or sing in any parish church without showing their letters of orders,² begged Cromwell to tell the archbishop to *make* curates admit them to the churches. It was probably easier for them to settle down as parish priests than it was for the pessioner religious, for many of them were so employed, under dispensation, already.³ The Bishop of Dover reported in 1538 that at Winchester

again is quite of the new type ; so is that of her fellow Cistercian abbess, Elizabeth Martin of Wintney, though this has an echo of the old form, ' I will that they should ring for me in Okingham [Wokingham] one hour.' This will, dated 24/7/1584 and proved 31/8/1587, is printed in *Somerset and Dorset Notes and Queries*, iii. 55.

¹ Dr. London to Cromwell : ' Until we have their capacities, we have to find them in meat and drink.' (L. & P. xiii (2), no. 94.) Cromwell to Dr. Wotton : ' Here are the names [of the Northampton Carmelites] to whom you shall make capacity to take one benefice with cure.' (L. & P. xiv (1), no. 852.)

² L. & P. xiv (1), no. 494. The archbishop had naturally objected that he could not otherwise tell if they were priests or no. Evidently the parochial clergy looked upon them in the same light as the Anglican clergy of two generations ago looked upon Nonconformist ministers.

³ e. g. Simon Bell, Prior of the Radipole (Weymouth) Dominicans, who held the rectory of Radipole from 1533 till his death in 1551. Hutchins (*Hist. of Dorset*, i. 418) prints the papal dispensation which enabled him to hold this living.

there were twenty-five priests in the three houses (Dominican, Franciscan, and Austin), but only three masses, in each house one, *the rest serving abroad*.¹ After the suppression a considerable number of heads of houses obtained preferment of some kind. Three or four became diocesan bishops, two bishops suffragan, one at least a dean, and others prebendaries. How many of them received pensions seems uncertain, but we know that Thomas Chapman, last Warden of the London Franciscans, resigned a pension of £13 6s. 8d. on his appointment to the vicarage of Rye in 1545.² The career of Dr. Edward Baskerville, last Warden of the Oxford Franciscans, may be taken as a fairly typical one. This 'honest man who had caused all his house to surrender and to change their papistical garments'³ immediately began to seek other employment. Within the next few years he was able to collect two family livings, the Chancellorship and a Prebend of Hereford Cathedral, and the Mastership of St. Catherine's Hospital, Ledbury. In 1559 he boggled at taking the oath of supremacy to Elizabeth,⁴ but his prudence quickly overcame his scruples, and he died in possession of all his offices in 1567.

The rank and file of the friars soon found posts as

¹ L. & P. xiii (1), no. 1456. The ordination lists in the Winchester Episcopal Registers give a number of names which do not appear at the Surrender. Most of these men can be found serving then or later as stipendiaries, chaplains to communities, and so forth.

² L. & P. xx (2), p. 183.

³ Dr. London to Cromwell, 31/8/1538, Wright, *Suppression of the Monasteries*, p. 217. Little, *Grey Friars of Oxford*, gives the subsequent careers of many friars of this house, but he omits that of the warden.

⁴ *Parker Correspondence*, p. 71. Successors were actually appointed to his rectories of Westcote (or Combe Baskerville) and Stanton on Wye, but this must have been by nature of a threat, for he still held both at his death.

stipendiaries and took livings when they became available. Stephen Popinjay, formerly Franciscan of Dorchester, had to wait till 1573 for the rectory of Church Knowle, which he was destined to hold no more than six years. Of the Gloucester Dominicans who signed the surrender, all can be subsequently found as stipendiaries in the diocese, of whom three got livings. At Bishop Cheyney's visitation of 1576, one of them, Thomas Mekins, Vicar of Ashleworth, testified concerning himself after this sort: 'I was formerly a religious, a friar of Gloucester. I had a letter of dispensation from Thomas, Archbishop of Canterbury, to obtain any ecclesiastical benefice to which a regular may be instituted, any ecclesiastical constitution notwithstanding, dated 5/9/1538 and confirmed by King Henry VIII 10/9/1538. I was instituted to the vicarage of Ashleworth 31/10/1558 and subscribed to the articles of religion 28/8/1571.'¹ Thomas Mekins resigned his vicarage in 1595 and was buried in Ashleworth churchyard on 23/6/1598, thus closing a career which was normal for the former male religious, whether possessor or no.

George Eliot makes one of her characters opine that history is no more than an ingenious form of guessing. Much of what has been written about the last days of the monasteries would seem to bear out the truth of that maxim. As controversy mounts the guesses get wilder, and amid the din of battle between the adherents of the Mass and Maypole School and those of the scavenging party the facts are hard to come by. Yet they would

¹ Transcript in the Hockaday papers in Gloucester Public Library file Ashleworth. By the Subscription Act of 1571 (13 Elizabeth, Cap. 1^a) Subscription to the 39 articles was made obligatory for all clergy ordained under the old ordinal.

seem clear enough. This is no story of wholesale flights oversea,¹ still less of thumbscrews and priests' holes. It is just that of a great company of Englishmen and Englishwomen, faced suddenly with a great crisis in their lives, setting to work, grumbling and growling, to make the best of a bad business and to ensure their future by all the means available to them ; the story, not of what ecclesiastical gladiators would have them to do, but of what the overwhelming majority of them did.

G. BASKERVILLE.

¹ The story that there was a great migration oversea apparently arose out of Father Palmer's articles on Dominican houses in the *Reliquary*. The acts of the Privy Council of 9/6/1547 show that there was a small trickle abroad of some Carthusians, to whom their pensions were forwarded by their friends. Some members of the houses revived by Mary also took this course, but even Sanders cannot find many to put in his list.

A LIST OF THE PUBLISHED WORKS OF REGINALD LANE POOLE

1876

J. P. N. Land's Principles of Hebrew Grammar, translated from the Dutch.

1880

A History of the Huguenots of the Dispersion at the recall of the Edict of Nantes (Lothian Prize Essay).

Henry of Huntingdon. *Saturday Review*, 27 March.

Review of 'Opusculs et Traités d'Abou-l-Walid Merwan ibn Djanah de Cordoue. Texte Arabe, avec une Traduction française par Joseph et Hartwig Derenbourg' *Academy*, 8 May.

1881

Gascoigne's 'Liber Veritatis'. *Academy*, 25 June.

Gascoigne's 'Liber Veritatum' *Saturday Review*, 19 November.

1882

Sebastian Bach (reprinted 1911).

Note on Wyclif MSS. at Oriel College, Oxford. *Academy*, 22 April.

1884

Illustrations of Medieval Thought. (Second and revised edition, 1920.)

Wilhelm von Conches, in Herzog's *Real-Encyclopädie der Protestantischen Theologie*, 2nd edition.

Contributions to the *Dictionary of English History*, edited by S. Low and F. S. Pulling.

Wycliffe's Birthplace. *Athenaeum*, 19 July.

Review of 'Pleas of the Crown for the County of Gloucester before the Abbot of Reading and his Fellow Justices Itinerant, 1221', edited by F. W. Maitland. *Athenaeum*, 20 December.

1885

- Joh. Wycliffe *Tractatus de Civili Dominio liber primus*, edited for the Wyclif Society.
- Contributions to the *Dictionary of National Biography*, vols. ii-iv.
- Ashwardby, John (fl. 1392), follower of Wycliffe.
- Aston, or Ashton, John (fl. 1382), follower of Wycliffe.
- Bankyn, or Banekyne, John (fl. 1382), friar of Augustinian monastery, London.
- Bedeman, or Stevine, Lawrence (fl. 1372-1410), scholar.
- Berton, William of (fl. 1376), chancellor of Oxford.
- Review of 'Calendar of Letters from the Mayor and Corporation of the City of London, circa 1350-1370'. Edited with an Introduction by Reginald R. Sharpe. *Athenaeum*, 31 October.

1886

- Contributions to *D. N. B.* vols. v-viii:
- Billingham, or Bullingham, Richard (fl. 1350), schoolman.
- Binham, or Bynham, William (fl. 1370), prior of Wallingford.
- Borough, Burgh, or de Burgo, John (d. 1386), divine.
- Bottisham, or Bottlesham, William of (d. 1400), bishop.
- Bricmore, Brichemore, or Brygemoore, H— (14th cent.), scholastic.
- Brinton, or Brunton, Thomas (d. 1389), bishop of Rochester.
- Brit, Brytte, or Brithus, Walter (fl. 1390), mathematician.
- Briton, or Breton, William (d. 1356), theologian.
- Brome, Thomas (d. 1380), Carmelite divine.
- Brown, Stephen (fl. 1340?), theologian.
- Brunyard, William (fl. 1350), reputed author of theological treatises.
- Bryghtwell, or Brythwell, Thomas (d. 1390), fellow of Merton College, Oxford.
- Burneston, or Boraston, Simon (fl. 1338), preacher.
- Caimin, or Camin, Saint (d. 653).
- Canon, or Canonicus, John (fl. 1329), schoolman.
- Review of 'History of the Huguenot Emigration to America', by C. W. Baird. *Eng. Hist. Rev.*, vol. i.

- Review of 'The Governance of England', by Sir John Fortescue ;
a revised text, edited with introduction, notes, and appendices
by Charles Plummer. *Athenaeum*, 3 July.
- Review of 'The Early History of Oxford, 727-1100, preceded
by a sketch of the Mythical Origin of the City and Univer-
sity', by J. Parker. *Athenaeum*, 24 April.

1887

Contributions to *D. N. B.*, vols. ix-xii:

- Carew, or Cary, Robert (fl. 1325), schoolman.
- Carpenter, Alexander (fl. 1429), author of 'Destructorium
Vitiorum'.
- Cawston, or Causton, Michael de (d. 1395), master of Michael-
house, Cambridge.
- Chabham, or Chobham, Thomas de (fl. 1230), theologian.
- Chefer, or Cheffer, Richard (fl. 1400 ?), theological writer.
- Cherbury, or Chirbury, David (fl. 1430), bishop of Dromore.
- Chester, Roger of (fl. 1339), writer of 'Polycratica Tem-
porum'.
- Chesterfield, Thomas (d. 1451 ?), canon of Lichfield.
- Chilmark, or Chylmark, John (fl. 1386), schoolman.
- Clapwell, or Knapwell, Richard (fl. 1286), Dominican.
- Clement Scotus I (fl. 745), bishop among the Franks.
- Clement Scotus II (fl. 820), grammarian.
- Cobham, Thomas de (d. 1327), bishop of Worcester.
- Colyngham, Thomas (fl. 1387), Cistercian monk
- Compotista, or Computista, Roger (fl. 1360 ?), monk and prior
of Bury St. Edmunds.
- Conway, Roger of (d. 1360), Franciscan.
- Conyngton, Richard (d. 1330), Franciscan.
- Copinger, William (d. 1416), clerk.
- Cowton, Robert (fl. 1300), Franciscan.

1888

Contributions to *D. N. B.*, vols. xiii-xvi:

- Cranley, Thomas (1337 ?-1417), archbishop of Dublin.
- Cratfield, William (d. 1415), Benedictine.
- Cressy, Robert (fl. 1450), Carmelite.
- Crumph, Henry (fl. 1382), theologian.

Cutcliffe, Rochetaillade, or de Rupescissa, John (fl. 1345), Franciscan.

Dene, William (fl. 1350), chronicler.

Despenser, or Spencer, Henry le (d. 1406), bishop of Norwich.

Diceto, Ralph de (d. 1202 ?), dean of St. Paul's.

Diss, or Dysse, Walter (d. 1404 ?), Carmelite.

Docking, Thomas of (fl. 1250), Franciscan.

Dumbleton, John of (fl. 1340), schoolman.

Dymock, Roger (fl. 1395), theologian.

Easton, Adam (p. 1397), cardinal.

Edington, William of (d. 1366), bishop of Winchester and chancellor.

Review of Loserth's 'Johannis Wyclif Tractatus de Ecclesia'.
Eng. Hist. Rev., vol. iii.

1889

Wycliffe and Movements for Reform.

Article on Wycliffe contributed to the ninth edition of the *Encyclopaedia Britannica*.

Contributions to *D. N. B.*, vols. xvii-xix:

Eglesfield, Robert of (d. 1349), founder of Queen's College, Oxford.

Ernulf, or Arnulf (1040-1124), bishop of Rochester.

Eversden, or Everisden, John of (fl. 1300), chronicler.

Exeter, Walter of (fl. 1301), Cluniac monk.

Exeter, William of (fl. 1330), author of 'Determinaciones' against Ockham.

Exeter, William of (fl. 1360 ?), physician to Queen Philippa.

Exeter, William of (d. 1365 ?), author of sermons on the Beatitudes.

Eyton, or Edon, Stephen (fl. 1320 ?), chronicler.

Fitzalan, Bertram (d. 1424), Carmelite.

FitzRalph, Richard, Armachanus (d. 1360), archbishop of Armagh.

Fleming, Richard (d. 1431), bishop of Lincoln.

Contributions to Grove's *Dictionary of Music and Musicians*, vol. iv:

Sweelinck, Jan Pieterszoon.

Thomasschule.

Vaet, Jacques.
 Vecchi, or Vecchii, Orazio.
 Venosa, Carlo Gesualdo, Prince of.
 Verdelot, Philippe.
 Vereeniging voor Noord-Nederlands Musiekgeschiedenis.
 Viadana, Ludovico.
 Vicentino, Nicola.
 Vivaldi, Antonio.
 Waelrant, Hubert.
 Wert, Giaches de.
 Willaert, Adrian.

1890

Joh. Wycliffe de Dominio Divino libri tres; Ricardi Filii Radulphi
 (archiep. Armachani) de pauperie Salvatoris libri I-IV.
 Edited for the Wyclif Society.

Contributions to *D. N. B.*, vols. xxi-xxiv:

Gascoigne, John (fl. 1381), Doctor of canon law at Oxford.

Gascoigne, Thomas (1403-1458), theologian.

Gervase of Canterbury (fl. 1188), chronicler.

Goddam, or Woodham, Adam (d. 1358), Franciscan.

Grey, William (d. 1478), bishop of Ely.

Hadenham, Edmund of (fl. 1307), chronicler.

Hallam, or Hallum, Robert (d. 1417), bishop of Salisbury.

Hanney, or De Hanneya, Thomas (fl. 1313).

Hardeby, Geoffrey (fl. 1360?), Austin friar.

Review of Giorgi and Balzani's 'Il Regesto di Farfa di Gregorio
 da Catino'. *Eng. Hist. Rev.*, vol. v.

1891

The suppression of the Talmud by Pope John XXII. *Eng. Hist.
 Rev.*, vol. vi.

Balliol College, in 'The Colleges of Oxford, their History and
 Traditions', edited by Andrew Clark.

Contributions to *D. N. B.*, vols. xxv-xxvii:

Hatfield, Thomas of (d. 1381), bishop of Durham.

Haxey, Thomas (d. 1425), treasurer of York minster.

Heytesbury, William (fl. 1340), logician.

Holcot, Robert of (d. 1349), divine.

Reviews of 'Chronicon Henrici Knighton', edited J. R. Lumby. *Eng. Hist. Rev.*, vol. vi. 'Chronicles of the Reigns of Stephen, Henry II, and Richard I. Vol. iv, edited Richard Howlett. *ibid.*

1892

On the Intercourse between English and Bohemian Wycliffites in the early years of the Fifteenth Century. *Eng. Hist. Rev.*, vol. vii.

John of Salisbury, in *D. N. B.*, vol. xxix.

Reviews of 'Flores Historiarum' edited H. R. Luard. *Eng. Hist. Rev.*, vol. vii. Pflugk-Harttung's 'Iter Italicum, Acta Pontificum Romanorum inedita', and 'Specimina selecta Chartarum Pontificum Romanorum'. *Ibid.* 'Cartularium der Abdij Mariënweerd', edited by J. de Fremery, 'De Registers en Rekeningen van het Bisdom Utrecht', edited by S. Muller, 'Bullarium Traiectense', edited by G. Brom, and of 'Corpus Documentorum Inquisitionis haereticae pravitatis Neerlandicae', edited by P. Fredericq. *Ibid.*

1893

Learning and Science; History of the Universities, in 'Social England', edited Trail, vol. i, chs. iii, iv (revised in illustrated edition, 1901).

Reviews of 'Landboec of Winchcombe Abbey', edited D. Royce, vol. i. *Eng. Hist. Rev.*, vol. viii. 'Kultur und Sittengeschichte der Italienischen Geistlichkeit im 10. und 11. Jahrhundert', by Albert Dresdner. *ibid.* 'Statutes of Lincoln Cathedral', arranged by the late Henry Bradshaw. Part I: Liber Niger. *ibid.* 'Wadham College, Oxford; its Foundation, Architecture, and History; with an Account of the Family of Wadham and their seats in Somerset and Devon', by T. G. Jackson. *ibid.*

1894

The Economic Influence of the Mediaeval Church, in the *Dictionary of Political Economy*, vol. i, edited by R. H. Inglis Palgrave.

Wycliffe, his Influence and Work, in 'Social England', edited Trail, vol. ii, chs. vi, vii (revised in illustrated edition, 1902).

Reviews of 'Llyvyr Teilo vel Liber Landavensis': the Text of the Book of Llan Dâv reproduced from the Gwysaney Manuscript by J. G. Evans. *Eng. Hist. Rev.*, vol. ix. 'Die Wiederbelebung des classischen Alterthums, oder das erste Jahrhundert der Humanismus', by Georg Voigt, third edition. *ibid.*

1895

Abailard as a Theological Teacher. *Church Quarterly Rev.*, vol. xli.
 Reports on the Muniments of Deans and Chapters of Worcester and Lichfield, and the Registry of the Bishop of Worcester. Appendix VIII to the Fourteenth Report of the Royal Commission on Historical Manuscripts.
 Ockham, William, in *D. N. B.*, vol. xli.
 Review on 'A treatise on Ecclesiastical Heraldry', by John Woodward. *Eng. Hist. Rev.*, vol. x.

1896

Universities in the Middle Ages. *Church Quarterly Rev.*, vol. xliii.
 Reviews of Girý's 'Manuel de Diplomatie', *Eng. Hist. Rev.*, vol. xi, and of 'Historians of the Church of York', edited by James Raine. *ibid.*

1897

Scotus, or Erigena, John, in *D. N. B.*, vol. li.
 Simeonis, Symon, in *D. N. B.*, vol. lii.
 Review of Potthast's 'Bibliotheca Historica Medii Aevi'. *Eng. Hist. Rev.*, vol. xii.

1898

Reviews of Rühl's 'Chronologie des Mittelalters und der Neuzeit'. *Eng. Hist. Rev.*, vol. xiii. 'Œuvres de Julien Havet' (1853-1893). *ibid.* 'Ein Donaueschinger Briefsteller. Lateinische Stilübungen des XII Jahrhunderts aus der Orléans'schen Schule', edited by A. Cartellieri. *ibid.*

1899

Review of Round's 'Studies on the Red Book of the Exchequer' and of Hall's 'The Red Book of the Exchequer'. *Eng. Hist. Rev.*, vol. xiv.

1900

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- Contributed to the above the following maps :
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 - Europe in the time of Otto the Great, 962.
 - Europe at the time of the Third Crusade, 1190.
 - England and Wales after the Accession of the House of Tudor.
 - England and Wales, showing the Parliamentary Representation according to the Reform Act of 1832.
 - The Frankish Dominions in Merovingian Times, 486-768.
 - The Frankish Dominions in Carolingian Times, 768-900.
 - Germany under the Saxon and Salian Dynasties, 919-1137.
 - Germany under the House of Hohenstaufen, 1138-1254.
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Note.—Numerous short articles, reviews, and notes contributed to the *Saturday Review*, the *Academy*, the *Athenaeum*, the *Guardian*, the *Oxford Magazine*, the *Musical Times*, and the *English Historical Review*, have not been included in the foregoing list.

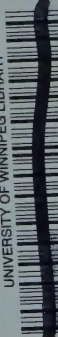
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| 1888-1925 | Member of Board of Faculty of Modern History,
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| 1895-1901 | Joint Editor (with S. R. Gardiner), <i>English Historical
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| 1896 | Lecturer in Diplomatic, University of Oxford. |
| 1898 | Fellow, Magdalen College, Oxford. |
| 1901-20 | Sole Editor, <i>English Historical Review</i> . |
| 1904 | Fellow of British Academy. |
| 1909 | Keeper of the Archives, University of Oxford. |
| 1911-12 | Ford's Lecturer in English History, University of
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| 1912-14 | Birkbeck Lecturer in Ecclesiastical History, Trinity
College, Cambridge. |
| 1914-26 | Curator, Bodleian Library, Oxford.
Hon. Fellow, and (since 1925) Vice-President of
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